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THE

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CURRENT TOPICS

A.I.D.

EVIDENCE presented on behalf of the Church of England to the Departmental Committee on Artificial Insemination was published yesterday. Both the ARCHBISHOP OF CANTERBURY and the committee appointed by him, under the chairmanship of the BISHOP OF EXETER, consider the practice of artificial insemination by a donor to be morally wrong and socially harmful. Dr. Fisher advocates prohibition of the practice by law. The committee would prefer it to be regarded as unlawful rather than to be made illegal and hopes that, following the acceptance of this view, the General Medical Council would consider a medical practitioner's participation in the practice of A.I.D. to be unprofessional conduct. The committee alleges that the present secrecy surrounding the practice prevents the accumulation of data on which its consequences must be judged, and leads to the falsification of records. In our view any such falsification is unnecessary as well as undesirable; the desire to falsify should be eliminated by the introduction of methods known to be effective in keeping intimate information confidential.

Right to Lay an Information

SECTION 1 (1) of the Magistrates' Courts Act, 1952, provides, *inter alia*, that upon an information being laid before a justice of the peace that any person has, or is suspected of having, committed an offence, the justice may issue a summons directed to that person requiring him to appear before a magistrates' court to answer the information. It is clear that the justice of the peace has a discretion as to whether or not he will issue a summons and that this discretion must be exercised judicially (see, e.g., *R.* v. *Adamson* (1875), 1 Q.B.D. 201), but the Amersham magistrates were recently required to consider whether *any* person is entitled to lay an information. Two motor cars were involved in a collision and the driver of one of them was committed for trial on a summons which alleged that he caused the death of a passenger in his vehicle by dangerous driving. A person who admitted that he had no direct personal interest in the case, and that he had never met or spoken to either of the drivers, sought the issue of a summons against the driver of the other vehicle alleging dangerous driving, but this application was refused on the ground of public policy as such a summons might prejudice the proper trial of the driver of the car in which a man received fatal injuries. There can be no doubt that a magistrate may refuse to issue a summons where a statute directs that an information shall be laid by a particular person and it is not

laid by that person (see, e.g., *Key* v. *Bastin* [1925] 1 K.B. 650), or where a statutory provision is designed to protect a specified person (see, e.g., *R.* v. *Hicks* (1855), 19 J.P. 515), but it seems that the Amersham magistrates took the view that ***any*** person can lay an information only where "the matter is one of public policy and utility with a view to the preservation of public morals" (per Cockburn, C.J., in *Cole* v. *Coulton* (1860), 24 J.P. 596). In view of this finding, the magistrates believed that they were entitled to refuse the application in question if they could find a matter of public policy and utility of overriding importance. The Divisional Court of the Queen's Bench Division has since dismissed an ex parte application for leave to apply for an order of mandamus as, in the view of HILBERY, J., it was the duty of the chief constable to decide whether or not there should be a prosecution.

Protection of Heating Appliances

THE home is the scene of many accidents and heating appliances are an obvious source of danger. This fact has been recognised by Parliament and s. 11 of the Children and Young Persons Act, 1933, as amended by s. 8 of the Children and Young Persons (Amendment) Act, 1952, provides that if any person who has attained the age of sixteen years, having the custody, charge or care of any child under twelve years of age, allows the child to be in any room containing, *inter alia*, any heating appliance liable to cause injury to a person by contact therewith, which is not sufficiently protected to guard against the risk of his being burnt, without taking reasonable precautions against that risk, and by reason thereof the child is killed or suffers serious injury, he shall on summary conviction be liable to a fine. In a recent case at Brighton Magistrates' Court it appeared that a seven-year-old girl was severely burned when her clothing caught alight on an electric fire. At the time of the accident the girl's mother was out shopping and, although the electric fire had thin strips of metal in front of the two bars, she was fined £2 for allowing her daughter to be in a room with a heating appliance which was not sufficiently protected. It is also an offence to sell or expose for sale any appliance required by regulations to be fitted with a guard, if the appliance is not fitted with a guard or the guard does not comply with the standards prescribed for it by the regulations (s. 1 of the Heating Appliances (Fireguards) Act, 1952). The relevant regulations are the Heating Appliances (Fireguards) Regulations, 1953 (S.I. 1953 No. 526) and reg. 2 stipulates: "Every heating appliance shall be fitted with a guard which shall be robustly made and of such standard of construction and fitting as is specified in the Schedule to these Regulations, and the appliance and the guard shall be so constructed that the guard when in use with the appliance shall be securely attached thereto." However, reg. 4 allows one instance when a heating appliance which does not satisfy the requirements of reg. 2 may be sold: it may be sold for the purpose of being broken up as scrap!

Animals on the Highway

IN *Ellis* v. *Banyard* (1911), 106 L.T. 51, Kennedy, L.J., said that he would "be slow to infer that because a harmless cow or sheep is allowed to get into the highway without giving rise to a cause of action that rule applies to crowds of cattle whose mass might constitute an obstruction to travellers along the highway." These words were adopted by Molony, L.J., in *Cunningham* v. *Whelan* (1918), 52 Ir. L.T. 67, where it was held that, while the owner is not liable for the consequences of a harmless animal straying on the highway, the owner is liable for an injury caused by a mass of animals forming an obstruction on the highway, and causing damage. *Cunningham* v. *Whelan*, *supra*, was followed in *Furlong* v. *Curran* [1959] Ir. Jur. Rep. 30. In that case the plaintiff was driving a station wagon at night-time and upon turning a right-hand corner he came against nine cows which were across the road, and his station wagon was thereby damaged. The cows were in the charge of a drover who was walking behind them, and behind the drover was a car driven by the defendant's nephew with headlamps on; no other light was used by the drover. The following morning some glass and hoof marks were discovered on the plaintiff's left-hand side of the road. In the High Court of Justice of the Republic of Ireland HAUGH, J., held that the defendant was negligent in electing to put so many cows on the road at night-time without sufficient lighting and in not bringing them together on their correct side of the road on approaching a corner. His lordship said: "In *Cunningham's* case, the cattle formed a mass obstructing the road. Here, in driving his nine cows along a short stretch of road at night, the [defendant] had put himself in the same position as the farmer in *Cunningham* v. *Whelan*." Perhaps it could also be said that the defendant was liable because where an animal has been brought upon or is being driven along the highway there is a duty to control it: see, e.g., *Aldham* v. *United Dairies (London), Ltd.* [1940] 1 K.B. 507. Of course, s. 25 of the Highway Act, 1864, provides that an offence is committed by the owner of any cattle found straying or lying about any highway.

Assumption of Coats of Arms

IT seems that the *Heraldry Gazette* has taken exception to the assumption of a coat of arms by Reading Technical College on the ground that no application was made by the college to the King of Arms. The granting of arms is a prerogative of the Sovereign which is delegated, by letters patent under the Great Seal, to the King of Arms, to exercise in accordance with the law of arms, and arms can only lawfully be assumed under letters patent of exemplification, made by the King of Arms pursuant to an Act of Parliament or, more frequently, a Royal Licence. A Royal Licence is obtained by applying to the College of Arms for a petition which is drawn up by one of the officers of the college, signed by the applicant and submitted through the Home Secretary to the Sovereign. However, it is not unlawful, in the sense that any penalty is attached, to use arms, other than the Royal Arms, without a grant or other title, although there may be circumstances in which a person will be enjoined from displaying the arms of another. It appears that the *Heraldry Gazette* also maintains that the Reading Technical College has used the arms of the Borough of Reading as part of its "illegally assumed coat" and that it raises a further objection on this ground, but from *Manchester Corporation* v. *Manchester Palace of Varieties, Ltd.* [1955] 2 W.L.R. 440, it would seem that the High Court of Chivalry would be reluctant to inhibit and enjoin the use of a corporation's arms by another merely by way of decoration and embellishment. This reluctance would disappear if the arms were used on any seal but that of the corporation.

CAPITAL DISTRIBUTIONS—I

CAPITAL distributions, although no novelty, have acquired something of an added topicality of late years, and for this there are several reasons. First, there is a general movement afoot to bring the issued share capital of companies more nearly into line with the up-to-date value of the assets employed in the business. Indeed, hardly a day passes without some company's interim or final dividend announcement being accompanied by a proposal for a free scrip issue. (The term "bonus shares" is now frowned upon by the City because of the false connotation it bears of something for nothing, whereas a scrip issue, unless followed up by an increase in the equivalent dividend, is valueless in terms of hard cash).

However, the policy of capitalising reserves, or the share premium account, or the enhanced value of fixed assets, or even a portion of the carry forward on profit and loss account, has other advantages. It may help to defeat a take-over bidder by increasing the number of shares which he has to acquire in order to obtain ownership or control of the business. Moreover, the greater the number of any particular shares in issue and the lower the price, the freer the market, since the shares are brought within the purchasing power of a wider public, which, according to current thinking, is accounted a good thing, provided always the shares in question possess the requisite investment rating.

Then there is the move towards bigger units in industry which sometimes involves the purchase, not of another company's shares, but of part of its fixed assets, the profits on the sale of which (being capital profits in the hands of the company) provide a legitimate source (subject to what is said later) from which to make a non-taxable cash distribution to shareholders. Such a distribution—of 2s. 6d. per 5s. ordinary stock unit—was recently made to its shareholders by Standard-Triumph International (formerly Standard Motor Company) following the sale of its tractor interests to Massey-Harris-Ferguson at a profit of some £5m. But a capital dividend may also help to ward off a take-over bidder. It has often been found in the past that a proposal by a sitting board of directors, when faced with a take-over bid for the company's shares, to counter the bid by a large (and often uneconomic) increase in dividend meets with but a cold response from shareholders who, not unnaturally, are more attracted by the tax-free capital gain to be made on the sale of their shares to the bidder. A non-taxable capital distribution (if one is possible) is obviously in a different category and, in a recent case, such a payment seems to have been successful, or at least instrumental, in securing the withdrawal of the bid.

Another form of capital benefit emanating from the company takes the form of a "rights" issue of shares; that is to say, the issue of new shares to existing shareholders at par or otherwise at a price less than the current market price of the old shares, the difference between the price of the new shares and that of the old (as adjusted to take account of the new issue) constituting a non-taxable benefit. If the new shares offered are taken up by the shareholder this benefit is, of course, not immediately realised in cash and may even be lost should the paid-up shares later fall in value. The "rights" to the new issue are, however, saleable on the Stock Exchange and sometimes saleable at a high figure in the case of heavily priced shares. In the *Financial Times* "rights" offers are separately listed and within the past few months between twenty-two and thirty-seven such offers have been quoted each day, the prices of the rights ranging from as little as 6d. to as much as 66s. each.

There are, therefore, three kinds of capital distributions or non-taxable benefits which a company may confer on its shareholders otherwise than by a return of capital (in the accepted sense) or in a winding up. It will be convenient to consider these in turn, commencing with the capital dividend.

Capital dividends

A dividend paid by a United Kingdom company out of capital profits does not form part of the total income of the shareholder. The principle was stated by Lord Tomlin in *Neumann* v. *Inland Revenue Commissioners* [1934] A.C. 215, 238, in the following words: "It is not disputed that if a dividend is paid out of the profits produced by a sale of a capital asset it is not made out of profits or gains charged on the company, and therefore no deduction from the dividend is authorised and the dividend itself is not liable to be taken into account in fixing the liability to surtax of the shareholder." In *Gimson* v. *Inland Revenue Commissioners* [1930] 2 K.B. 246, a dividend was paid entirely out of funds which had not been charged to tax, being partly capital profits and partly profits which were income in the hands of the company but had not been charged to tax by reason of the rules relating to the basis of assessment. The dividend was held not to form part of the shareholder's total income for surtax purposes. The income profits included Treasury bill discounts received in one year only. They were not charged to tax in the year of receipt because the basis of assessment was the amount of the preceding year, which was nil; nor were they charged in the following year, because the company had no income from that source in that year. Section 184 (2) of the Income Tax Act, 1952, has the effect of reversing *Gimson* v. *Inland Revenue Commissioners* so far as it concerns income profits, but the decision in the case, in so far as it was held that surtax was not payable in respect of profits of a capital nature, was approved by the House of Lords in *Neumann* v. *Inland Revenue Commissioners* and is still good law.

The general principle stated by Lord Tomlin is, however, subject to a number of qualifications. In *Inland Revenue Commissioners* v. *Bell and Nicolson, Ltd.* (1952), 33 T.C. 130 (applying *Lamson Paragon Supply Co., Ltd.* v. *Inland Revenue Commissioners* (1951), 32 T.C. 302), it was held that a dividend paid out of capital profits was a distribution for profits tax purposes within the meaning of s. 36 (1) of the Finance Act, 1947, whether it was paid in cash or in shares of another company. It is immaterial in the case of a dividend received from a company outside the United Kingdom from what source the dividend is paid, whether from capital profits or trading profits; so long as the corpus of the taxpayer's asset (his shareholding in the company) remains intact, the dividends received are chargeable to tax under Case V of Sched. D (*Inland Revenue Commissioners* v. *Reid's Trustees* [1949] A.C. 361 (H.L.)). According to Simon's Income Tax, 2nd ed., vol. 3, para. 27, all foreign dividends, therefore, whether paid out of capital or income, have to be included, as income from a foreign possession, in the computation of a taxpayer's total income; but this statement, it is submitted, may now have to be considered in the light of the special circumstances obtaining in *Thomson* v. *Moyse* [1959] 2 W.L.R. 577.

Dividends *in specie*

Again, if a dividend is paid *in specie*, e.g., by shares in another company, it may still be part of the income of the recipient. In *Pool* v. *Guardian Investment Trust Co.* [1922] 1 K.B. 347, the Union Pacific Company declared out of accumulated profits a dividend consisting partly of cash and partly of shares in an associated company. A recipient of the shares sold them and was assessed to income tax on the price received. The General Commissioners discharged the assessment on the ground that the distribution was one of capital and not of income, but the court held that the distribution was in essence one of profits or gains and formed part of the shareholder's income. It was observed that where a company capitalises profits by the issue of new shares it is increasing its own issued capital, and, therefore, is releasing no assets; but where it allots shares in another company there is no such increase. To constitute a taxable distribution (1) there must be a release of assets, and (2) the release must be from income and not from capital profits. In *Pool's* case there was a release of assets in the nature of income. Similarly, in *Wilkinson* v. *Inland Revenue Commissioners* (1931), 16 T.C. 52, a parent company utilised its accumulated profits to acquire shares in a subsidiary company which it then allotted to its shareholders. The court held that where a company released assets to its shareholders without increasing its share capital, as in this case, the shares were income in the hands of the recipient. In the course of a judgment to the same effect in *Briggs* v. *Inland Revenue Commissioners* (1932), 17 T.C. 11, 24, Rowlatt, J., said that the release of assets from income merely represented a distribution of profits "using the currency of shares in another company instead of current coin of the realm."

"Realised" and "hidden" profits

It is now necessary to consider whether, and if so, when, a company has power to pay a capital dividend. In this connection, it may be desirable to distinguish between profits accruing from the realisation of fixed assets, on the one hand, and hidden unrealised profits, resulting from a revaluation of those assets, on the other. In *Re Oxford Benefit Building Society* (1886), 35 Ch. D. 502, Kay, J., held that "realised" meant "reduced to actual cash in hand" or at least "rendered tangible for the purposes of division." If a company buys a fixed asset for x, makes no provision for the writing down of such asset in its profit and loss account, and sells the asset after a period of time for y, there is a realised capital profit amounting to the difference between x and y. Such profit is available for the payment of a capital dividend provided the company is empowered by its articles of association to make the payment; there is no doubt as to the capital nature of the asset in question (see the recent decision of the House of Lords in *Hinton* (Inspector of Taxes) v. *Maden and Ireland, Ltd.* [1959] 1 W.L.R. 875), and there are no losses on capital or income account (to which reference will be made later) which have to be set off against the realised capital profit.

In practice, however, the position is hardly ever as simple as this. The value of the asset is probably written down in the balance sheet; initial and annual allowances may have been granted, and the question of a balancing charge may arise on the sale. The view of the Inland Revenue is understood to be that if a fixed asset is written down for commercial purposes and subsequently sold at a figure in excess of the book value, then (certainly if no annual allowances have been granted), there is brought into existence a taxed reserve, and if a so-called capital profits dividend is paid out of the difference between the book value of the asset and the sale price, to the extent to which the asset was written down, the dividend is an income dividend and must be grossed up for surtax purposes.

Articles of association

Again, any proposed distribution of capital profits must be considered, not only from the angle of taxation, but also from the angle of the constitution of the company. If the constitution provides for or allows the division of capital profits, there is nothing in the statute law, based on the rights of creditors or otherwise, to prevent it. That capital profits may be distributed in a proper case was decided in *Lubbock* v. *British Bank of South America* [1892] 2 Ch. 198; *Foster* v. *New Trinidad Lake Asphalt Co.* [1901] 1 Ch. 208; and *Cross* v. *Imperial Continental Gas Association* [1923] 2 Ch. 553. Under many articles of association, however, and particularly those which justify the division of a credit balance on profit and loss account although the capital account may be in debit, the capital appreciation would not be divisible, for it would not be "profit arising from the *business*" (see *Wall* v. *London and Provincial Trust, Ltd.* [1920] 1 Ch. 45, 55, 56; [1920] 2 Ch. 582). On the other hand, if art. 116 of Table A of the Companies Act, 1948, were adopted, no such impediment would arise (under that head) for the article provides that "no dividend shall be paid otherwise than out of *profits*."

The position governing the distribution of capital profits under the articles of association was succintly stated by Younger, J., in *Wall* v. *London and Provincial Trust, Ltd.*, *supra*, in these terms: "(Where) capital and revenue accounts are distinct accounts, you may operate upon a credit balance on the second account irrespective of loss on the first . . . The price of being entitled to distribute as dividend a revenue balance regardless of a capital loss is that you may not supplement a deficiency of revenue by carrying to the credit of that account a gain on capital, however realised. The truth is that in accounts kept as this company is required to keep its accounts, an appreciation in capital assets can never increase the dividend fund. If for the purpose of dividend a company like this desires to gain the benefit of an appreciation in capital values, it must adopt the single account system and, as a consequence, value its entire assets for the purpose of every dividend distribution." Normally, of course, this valuation of assets is made each year for balance sheet purposes and, save in exceptional circumstances, no further valuation will be necessary.

If, then, the constitution of a company so provides or permits, a realised capital profit, representing the difference between the cost price and the sale price of a capital asset, is distributable in dividends without deduction of tax; and so (in part) is the realised difference between the sale price and the written-down book value. If the profit is not realised but the appreciation in value is estimated (by professional re-valuation or otherwise) the position is less clear, for the authorities are somewhat conflicting as to whether an estimated capital profit is distributable. Frequently quoted as authorities in support of distribution are *Ammonia Soda Co.* v. *Chamberlain* [1918] 1 Ch. 266, and *Stapley* v. *Read Bros., Ltd.* [1924] 2 Ch. 1, but primarily these cases show that there is no objection in law to a company bona fide revaluing its assets, and taking them into the balance sheet at the figures shown by such revaluation; and that if the revaluation shows an appreciation in value of fixed assets

over cost or their written-down value, sums written off in the past out of revenue for depreciation, or in elimination of such assets, may be written back to revenue account. It is submitted, therefore, that an unrealised accretion of capital should, preferably, be reflected in an increase of capital and a scrip issue, rather than be distributed by way of dividend, since a scrip issue (apart from expenses) involves no distribution of assets.

Simon's Income Tax, 2nd ed., vol. 3 (Service), para. 27, expresses the opinion that where an investment holding company pays a dividend out of a dividend received by it, and the latter dividend is paid out of capital profits, then the dividend paid by the investment holding company is capital in the hands of the shareholder receiving it, and does not form part of the shareholder's total income for surtax purposes. In the case of an investment dealing company, on the other hand, such a dividend would form part of the total income of the shareholder, since the shares in respect of which the dividend is paid are part of the company's trading stock and the dividend is therefore part of the company's trading receipts.

Interest on tax reserve certificates, although not liable to income tax, is not a surplus available for distribution as a capital dividend (*Hutton* v. *Inland Revenue Commissioners* (1953), 35 T.C. 95).

(To be concluded) K. B. E.

FORM, INTENTION AND PRINCIPLE—I

THE decision in *Reardon Smith Line, Ltd.* v. *Ministry of Agriculture, Fisheries and Food* [1959] 3 W.L.R. 665, affords a good example of an apparent ascendancy of form over intention in the construction of contracts. In other words the form determines what is to be taken as the intention, whilst the plaintiff in the action can advance a plausible argument as to what was the real intention, albeit an intention not specifically expressed in the contract, or appeal to a principle of law which, in the circumstances, affords a cause of action out of the act or omission, in the course of performance, for which the defendant is responsible.

The aspect of the arrangement to which the above remarks are directed was this: where a charterer may nominate one of a number of ports of loading, may he nominate a strike-bound port, knowing that the shipowner must, by the terms of the contract, bear the cost of the delay? Can one not imply a term requiring the charterer not to nominate a strike-bound port? The answers to the last question given in the decision are two: one is a plain negative—the charterer has been given the option, so why should he not exercise it as he pleases?—and the second is the known uncertainty of the duration of strikes. These answers are respectfully considered to be open to at least this criticism: the first begs the question, and the second is a two-edged sword—a strike may last months as much as it may fold up in a day.

Analogous contrary principles

There are well-known principles of analogous situations which throw doubt on the ruling in *Reardon Smith's* case that the charterer may nominate the strike-bound port. The first is that very ancient self-evident principle that where a promisor is prevented from performing his contract or any part of it by the default or refusal of the promisee, the performance is to that extent excused: not only that, but the default or refusal is a cause of action available to the promisor enabling him to claim his loss from the promisee; for authority we may go back as far as *Giles* v. *Edwards* (1797), 7 Term Rep. 181, and to Rolle's Abridgment 453, 457. The second is the equally self-evident principle that if one of the parties by his own act or omission brings about a state where performance becomes impossible, he cannot plead frustration. The authority for that proposition is the well-known Privy Council decision, *Maritime National Fish, Ltd.* v. *Ocean Trawlers, Ltd.* [1935] A.C. 524.

Then there is the much-maligned case of *Bush* v. *Whitehaven* (1888), 2 Hudson's Building Contracts, 4th ed., 122, quoted by the Court of Appeal in *Davis Contractors, Ltd.* v. *Fareham Urban District Council* [1956] 3 W.L.R. 37, and regarded as something of a mystery by the law lords when the *Davis* case came before them on appeal. The principle of *Bush* v. *Whitehaven* is, it is submitted, that where there is a clause which lays down that the risk of loss from a change of circumstances is to fall on *A*, *B* cannot rely on the risk's falling in accordance with that clause on to *A* if the change of circumstances is brought about by *B's* own act or omission; e.g., where it is provided that there is to be no extra payment to *A* if the time *A* takes to complete a job should prove longer than normal, and by an act or omission of *B* the work does take an abnormal period of time, *A* may none the less claim a *quantum meruit* or damages for the delay caused by *B's* act or omission whereby *A's* costs were increased or his profit lessened. Viscount Simonds was not prepared to say that *Bush* v. *Whitehaven* was wrongly decided (*Davis* case, at p. 50). Perhaps the difficulty which their lordships felt over *Bush* v. *Whitehaven* arose from the arguments, which, it appears, proceeded on the basis that it was a case on frustration when in truth it was either *sui generis* or a case on breach of contract, or (the alternatives grow!) on abandonment and substitution of a new contract by implication or conduct; but not on frustration. In so far as it may be regarded as *sui generis*, it appears to lay down a principle which could be applied in the *Reardon Smith* case. Of the decisions so far mentioned none is referred to in that judgment, but *Maritime National Fish, Ltd.* v. *Ocean Trawlers, Ltd.*, was mentioned in argument.

What was the motive?

We have said that the principle of *Bush* v. *Whitehaven* might be relevant, but whether it is cannot be judged without knowing more about the facts of the case, and particularly why the charterers nominated the port of Vancouver when it was strike-bound. But the reason for the nomination is not given; as far as one can judge, the plain fact is that the parties did not, when fixing the terms of the charter-party, carry their minds forward to the possibility that a strike-bound port might be nominated and remain strike-bound for an unduly long time: or if they did they did not face up to settling just what should be done. The main alternatives (apart from cancellation or postponement) each have their disadvantages: one is to load an alternative cargo, with all the obvious problems, and the other is for the ship to go elsewhere, but that is no light matter, nor is it easily and quickly to be carried out.

So far the problem has been stated in simplified terms, but there are obvious complications: one arises on the question whether the strike existed at the date of nomination, or arose or became probable only after nomination and before arrival—and in the latter case whether the charterer ought then to nominate another port within range which is not strike-bound.

The strike

Elevator men at five of the seven elevators at Vancouver, and at the single elevator at New Westminster, came out on strike on 17th February, 1953, resulting in thirty-one tramp vessels (i.e., vessels chartered to load full cargoes) being subject to serious delays since no full cargoes were loaded during the strike. They had arrived after the strike began and included the *Queen City*, *Riverton*, *Cape Rodney*, *Agostino Bertani* and *Moderator*, which were the subject-matter of five actions heard together. There were also ships which were diverted to other ports and some had their charters cancelled by agreement or postponed.

The two elevators not affected by the strike were used to load parcel cargoes of wheat into liners: with one exception they did not load full cargoes into tramps.

The strike lasted eighty-two days so that very serious delay affected the ships in question. Of the five ships mentioned above, some had been chartered by the Governments of India, some by South Africa and some by our Ministry of Food. The shipowning interests and the three governments concerned had selected these cases as the subject-matter of five actions heard together, representing various aspects of the problems arising out of the strike. Thus, the *Queen City* was ordered to Vancouver on 12th February—five days before the strike commenced; she gave notice of readiness to load on 18th February. The *Riverton* was ordered to Vancouver on 22nd March—more than a month after the strike; the *Cape Rodney* was ordered to Vancouver on 27th March: the *Agostino Bertani* was not chartered until 12th March, i.e., after the strike began, and was ordered to Vancouver on 23rd April; the *Moderator* was chartered on 2nd April and was ordered to Vancouver on 4th June.

Terms of charters

Each of the first four vessels was chartered in similar terms and the range of loading ports covered the Canadian ports of Vancouver, New Westminster and Victoria, and the U.S. ports of Seattle/Tacoma and Portland, and in each case it was agreed that the ship was an "arrived ship" when she gave notice of readiness to load. The fifth case, the *Moderator*, had a basically similar charter-party, but there was a special provision making lay days, at loading ports and discharging ports, reversible, and a special clause dealing with ordering to strike-bound ports.

The material terms of the charter-parties were as follows:—

"... Vessel shall proceed on ballast and, upon arrival, be made ready and shall receive on board at Tacoma and/or Seattle or Portland, Oregon, Vancouver, B.C., or New Westminster or Victoria, B.C., or other loading places as hereinafter provided ... a full and complete cargo ... of wheat in bulk ... and/or barley in bulk and/or flour in sacks as below which the said parties of the second part" (viz., the charterers) "bind themselves shall be shipped, and being so loaded shall therewith proceed to one safe port in the United Kingdom ... or Continent between Hamburg and Antwerp ... or so near thereunto as she may safely get and there deliver the same being paid freight as hereinafter provided ...

"Charterer has the option of loading up to one-third of barley in bulk, in which case the above rate of freight is increased by 2s. 6d. per ton on the quantity of barley loaded. Charterer has the option of loading up to one-third cargo of flour in bags at 10s. per ton extra over the rate of freight for wheat on the quantity of flour loaded if loaded in British Columbia, and 12s. 6d. per ton extra if loaded at U.S. Pacific."

(In the case of the *Agostino Bertani* and the *Moderator* there were no alternative cargo options, and in the latter case the ports were only Vancouver/New Westminster or Victoria.)

Clause 11: Readiness. "The captain shall give charterers usual written notice of readiness, accompanied by certificate of charterer's competent surveyor that vessel is ready to take on cargo and quantity required .... Upon receipt of the said written notice and certificate ... charterers shall furnish the vessel with the required cargo."

Clause 14: Loading places. "Vessel to proceed to such usual loading place or places where she can safely load always afloat as may be ordered by the charterers at Vancouver, B.C. or New Westminster, or Victoria, B.C., or Tacoma and/or Seattle or Portland and/or Astoria and/or loading places in the Columbia and/or Willamette Rivers, and there receive the cargo in manner customary, alongside, afloat and/or from the wharf and/or elevators ..."

Clause 15: Lay days. "Six weather working lay days (Sundays, holidays and rainy days not to be counted as lay or working days ...) to commence twenty-four hours after receipt by charterer's agents at loading ports of the captain's written notice of readiness ... and is ready to receive cargo whether in berth or not, are to be allowed the charterers ... but should the loading be completed in less time the charterers have the privilege of detaining the vessel until expiry of the said lay days."

Clause 16: Despatch money. "Despatch money (which is to be paid to charterers before vessel sails) shall be payable for all working time saved in loading at the rate of one-half of demurrage rate per day or *pro rata* ..."

Clause 31: Act of God, war, etc. "Lay or working days shall not count at ports of loading during any time when the supply or loading of stiffening, or the supply or bringing by rail, craft or otherwise to port of loading or alongside the vessel, or the loading of the cargo or the intended cargo, or any part thereof, is delayed by Act of God, war, restraint of princes, rulers or people, *force majeure*, blockade, quarantine, earthquake, inundations, storm, floods, rain, snow, ice, fire, riots, strikes, lock-outs, civil commotions, political disturbances or impediments, holidays (ecclesiastical or civil), cessations or stoppages of labour, epidemics, perils of the seas, railway accidents or impediments, or any other hindrance of whatsoever nature beyond the charterer's control."

Wheat contracts

The charterings by the Ministry of Food arose from a wheat contract with the Canadian Wheat Board for the purchase of wheat and flour for shipment from Canadian ports between 1st August, 1952, and 31st July, 1953. 100,000 tons were to be made available for each of the months January, February and March, and 90,000 tons in April and May. There was a clause providing that each party should use its best endeavours to meet the requirements of securing tonnage, but that failure to carry out their respective obligations was not to result in the charging by the Ministry of demurrage charges to the board or its agents, or the charging by the board of any additional carrying charge to the Ministry or its agents. The Canadian Wheat Board enjoys a monopoly of the export of wheat and barley from certain areas in Canada which together produce 95 per cent. of the grain fit for export. These areas do not include British Columbia, but the export of wheat from British Columbia is controlled by the board by a licensing system. The board, as a practical result of its ownership of the grain, has control over the loading berths, giving instructions to the elevators as to the quantities and grades to be loaded into each ship, and giving instructions to the ship's agents as to the berth at which a ship is to be loaded. The normal output of the eight elevators at Vancouver, and the one at New Westminster, aggregate about 20,000 tons per day.

Origins of strike

The strike originated from the giving of a notice in November, 1952, by the local union of the termination of the existing collective agreement and making a number of demands. Direct negotiations took place but, no satisfactory agreement being reached, the matter went to a conciliation board which eventually reported in favour of no change in pay but suggested certain minor benefits. A strike vote was taken and as a result on 10th February notice was given that the strike would be effective as from midnight 16th–17th February.

We shall deal with the claims made by the parties and the judge's conclusions thereon in a concluding article.

(To be concluded) L. W. M.

SLOVENLY PRELIMINARY ENQUIRIES

A CONTRIBUTOR to this journal, under the title "Slovenly Replies to Requisitions," in the issue of 1st January (p. 3), took the profession to task for shortcomings in the method of many members on answering requisitions on title.

The author of that article, in this writer's respectful opinion, only lightly touched on and then glossed over the cause of the problem, which is the almost purposeless time-wasting ritual indulged in by the fillers-in of forms that conveyancers have now become. "J.R.M.", in his article, said:

> "There can be no doubt that the modern practice of using printed forms both for enquiries before contract and for requisitions has greatly aggravated the malady [of slovenly replies] . . . The stock enquiries command the stock answers."

How true! What earthly use is there in asking complicated questions or bothering to get instructions as to the answers when everyone knows the purchaser's solicitors will meekly submit to being told in effect "Don't know and don't care," "Find out" or "Ask yer farver"?

Let us face it, the main purpose of preliminary enquiries is to convince the vendor that something is happening until evasive and non-committal replies to local and county searches (more forms!) are received and until the mortgage is arranged and while the purchaser finally makes up his mind whether to buy!

Grouping enquiries before contract

The publishers of the almost universally used form of enquiries (who also publish this journal) have recently gone a step further along the road of spoon-feeding those who cannot be bothered to cross out the irrelevant questions (or who have not the time to do so through having to answer other people's stupid questions) by putting the enquiries into convenient groups: these can be axed wholesale, if she remembers, by the wretched typist who, without understanding their contents, is usually told to "bung them off preliminary enquiries."

Have the publishers gone far enough? Why not print the enquiries with answers already in? Why do not the publishers of the National Conditions of Sale (who also publish the Preliminary Enquiries and this journal) add a condition saying:

> "The Purchaser shall be deemed to have asked prior to the execution hereof the enquiries applicable to this transaction contained in the Publisher's standard form of preliminary enquiries (current edition) and unless otherwise stated in correspondence the Vendor shall be deemed to have answered in the manner set out in the standard answers exhibited in the Publisher's offices?"

If neither of these alternatives is practical, why not rephrase the questions so that the purchaser can answer "yes" or "no," e.g.:

> "Is it correct that the Vendor is not aware of any easements, quasi-easements and any other public or private rights affecting the property but the sale is subject to any there may be?"

or, and perhaps this emphasises the writer's point better:

> "Does the Vendor suggest that the Purchaser make the usual searches (which he has already done!) for information concerning roads, drainage, town planning and compulsory purchase?"

All of us, without exception, hope for and even demand these standard answers. What would *you* do if you were given answers such as these?—

Q.	*A.*
Is the Vendor aware that the property or the owner or occupier of such is liable for any financial and other obligation arising or by virtue of any statute?	Please refer to Halsbury's Statutes and Halsbury's Statutory Instruments.
Please give particulars of the names and addresses of the local authority	No!
Are there any grants or contracts being acquired in relation to— (*a*) . . . (*b*) . . . (*c*) . . . (*d*) . . .	Yes.
Are all the deeds in the possession of the Vendor?	No. They are held by a removed trustee now in his third year of imprisonment for refusing to hand them over. The Purchaser will inspect at his own cost and risk.

If the profession insists on indulging in this never-ending quiz game, why can we not ask each other useful questions which may be of some assistance to the purchaser, and save his solicitor unnecessary anguish when, three days after the file has been successfully interred (and misfiled) in the archives and three months after the costs have been spent on such luxuries as food, some horrible query is raised by one's client which can only be answered after much correspondence for which the client (perhaps rightly) does not expect to pay?

Suggested questions

The writer suggests the following (by no means exhaustive) examples:—

1. Is the house haunted, and if so by whom and when?

2. Did anyone ever commit suicide or was anyone murdered in the house or curtilage and does the Vendor think the Purchaser's wife is likely to find out?
3. Please set out briefly the Vendor's opinion of the neighbouring children and other animals, detailing any information as to their habits of which the Purchaser might reasonably wish to know.
4. (*a*) How much is expected in Christmas boxes and by which tradesmen (a concise answer will avoid their deceiving the Purchaser later)?
   (*b*) State the average number of carol singers per annum.
5. Which shops does the Vendor's wife recommend?
6. Briefly summarise the Vendor's (and his wife's) relations with their neighbours and state whether any such neighbour is likely to covet the Purchaser's house, wife, manservant, maidservant, ox, ass or anything of the Purchaser.
7. What damage does the Vendor expect to do in moving?
8. WHY IS THE VENDOR MOVING?

The writer acts (happily for him) largely for various members of the property-dealing fraternity to whom frequently speed is all-essential. If they had bought at auction they would not have made enquiries, and they usually want to get the contract signed quickly before anyone else gets hold of the property. The writer has frequently been called on to get contracts signed in substantial matters sometimes running into five or six figures without enquiries and only such personal local searches as his conscience dictated. Do you know, *it never made a ha'porth of difference?*

The faint streak of levity which may possibly be detected in the foregoing observations should not be taken as meaning that the writer is suggesting an even greater degree of sloppiness in conveyancing. On the contrary, it is hoped that by a *reductio ad absurdum* he will have persuaded his readers to stop and think before sending off enquiries and questions which are irrelevant and to which they are expecting a more conclusive answer from the local authority, as this must result in saving as much of their time as that of their professional colleagues.

H. L. M.

Landlord and Tenant Notebook

DILAPIDATIONS WHEN PREMISES DOOMED

As was mentioned in the "Notebook" for 6th November last (103 SOL. J. 870), the provision in the Landlord and Tenant Act, 1927, s. 18 (1), depriving a landlord of damage for disrepair if it is shown that the premises would at or shortly after the termination of the tenancy have been or be pulled down, produced, though no intention is referred to, a decision in which the essential requirements of intention were examined (*Cunliffe* v. *Goodman* [1950] 1 All E.R. 720 (C.A.)); and which was drawn upon when the difference between an intention and a hope was emphasised, for the purposes of the Landlord and Tenant Act, 1954, s. 30 (1) (*f*), in *Reohorn* v. *Barry Corporation* [1956] 1 W.L.R. 845 (C.A.).

Before then it had been observed by Greene, M.R., in his judgment in *Salisbury* v. *Gilmore* [1942] 2 K.B. 38 (C.A.), that s. 18 (1) of the 1927 Act avoided any reference to intention on the part of the landlord because "a building might be destined for demolition for some reason other than the intention of the lessor; for example, under a demolition order or a compulsory purchase under a street widening scheme. It was therefore necessary to use words of general import expressing the future fate of the building whatever the cause of that fate might be."

The observation was part of reasoning leading to the conclusion that the time at which the future fate has to be considered is the date of the expiration of the tenancy, and it was in fact held that the landlords concerned had had the necessary intention, though the second world war had broken out some 3½ weeks before and the project had since had to be abandoned because of a Defence Regulation of 7th October, 1940.

This decision has now been followed by the Court of Appeal in *Keats* v. *Graham* [1960] 1 W.L.R. 30; p. 51, *ante*, in which a condition that a building should be removed, attached to the Town and Country Planning Act, 1947, permission to develop, was the deciding factor—though not enforced.

Conditional permission

The history of the facts examined began with an application, made in 1949 by the plaintiff's predecessor in title, for permission to erect a rear extension to the premises, which resulted in permission being granted to erect and retain that extension, its use being limited to storage purposes, for the period of seven years from 1st April, 1949, "at the expiration of which period the building shall be removed, and the use herein allowed shall be discontinued, without compensation, unless the council shall have previously approved retention of the building and continuance of the use for a further period."

The grantee of this permission proceeded to grant the defendants a three years' repairing lease from 25th August, 1952, in which the defendants covenanted, *inter alia*, to use the premises for no other business than that of stove enamelling and spraying and metal finishing. This, of course, violated the condition limiting use; but the defendants were later able to obtain permission for their enamelling, etc., activities "as a temporary measure to run concurrently with" the original permission.

In the next year, when the plaintiff had become landlord, an application for an extension was made by him or on his behalf (December, 1953); the result was a refusal, dated 15th February, 1954, of permission to retain the extension and continue the use beyond 1st April, 1956.

The contractual tenancy ended in August, 1955, but the tenants stayed on (the Landlord and Tenant Act, 1954, Pt. II, would have ensured the continuation of the tenancy if there was no holding over by agreement); when 1st April, 1956, arrived, however, the council did nothing about enforcing the Town and Country Planning Act restriction. The defendants sought further permission, and unsuccessfully appealed to the Minister against its refusal, the decision being notified in October, 1956. Then, in December of that year, the council wrote a letter, intended, apparently, for the landlord but sent to the tenants, demanding the removal

of the rear addition; whereupon they wrote to the landlord saying that they would be leaving in about four to six weeks, and on 27th March, 1957, they handed over the keys.

It was common ground that the tenancy terminated on 27th March, 1957. How exactly it terminated would be immaterial; but the Landlord and Tenant Act, 1954, s. 24 (2), expressly permits of termination of business tenancies by surrender, and *H. L. Bolton (Engineering) Co., Ltd.* v. *T. J. Graham & Sons, Ltd.* [1957] 1 Q.B. 159 (C.A.), has shown that this covers surrender by operation of law.

Subsequent events

The local planning authority had barked more than once, but had failed to bite; and, some six weeks after the termination of the defendants' tenancy, the plaintiff let the threatened premises to someone else, this time for the business of the manufacture of glazing compounds and allied products. Having done that, he succeeded in obtaining another conditional permission, this time till 1st December, 1962, from the council—this despite the fact that when dismissing the ex-tenants' appeal in October, 1956, the Minister had intimated that "special industrial use" was wrongly sited in the area, which was substantially a residential one.

The probabilities

In these circumstances the plaintiff brought the action for breaches of covenants to repair, and at first instance the learned county court judge came to the conclusion that the premises had, on 27th March, 1957, to be pulled down. In reaching this conclusion, however, he misinterpreted, according to the Court of Appeal, the February, 1954, refusal and the December, 1956, letter demanding removal, and had attached too much importance to the failure to serve an enforcement notice. It was unfortunate, said Lord Evershed, M.R., that somebody from the council was not called who could have stated clearly what the council's then view was as to enforcing the condition; but, on the documents, it seemed that anybody who had, in March, 1957, to answer the question: "Is this extension shortly going to be pulled down?" would have had to say, on the evidence: "Well, yes, it is." The issue, Sellers, L.J., said, had to be decided on the probabilities, and the fact that the extension had remained up without any order for demolition some twelve months after the expiration of the seven years might more likely be regarded as evidence that the time was approaching when it would have to be demolished.

The question whether what had in fact happened—the re-letting with impunity, condoned, as it were, by yet another conditional permission—was evidence of what had been likely to happen, was considered by both Lord Evershed, M.R., and Sellers, L.J. The learned Master of the Rolls considered that it was not, though if the evidence of the state of affairs on 27th March, 1956, had left the matter doubtful, the later events might have been used to clarify and explain what had gone before. Sellers, L.J., agreed with this view, but observed that it could rarely happen. The fact that a building was still standing merely showed what had in fact developed.

Change of intention

It is, of course, not uncommon for a court to deduce a state of mind from conduct after the relevant time; when *mens rea* is in issue, what an accused person did later may legitimately be considered as evidence of what he had in mind earlier on. However much one may deplore these tergiversations, it is clear that town planning law contemplates condonation and changes of intention.

One further word about intention itself: the Landlord and Tenant Act, 1927, s. 18 (1), does not, as I have observed, say anything about intention, and its impersonal "the premises, in whatever state they might be, would at or shortly after the termination have been or be pulled down" may, as Greene, M.R., suggested in *Salisbury* v. *Gilmore*, *supra*, have been designed to cover cases of local authority activity, though it may be that the idea was to anticipate evasion by voluntary alienation. It does seem, however, that the pulling down must be the deliberate act of somebody, and that the learned Master of the Rolls' "words of general import expressing the future fate of the building *whatever the cause* of that fate might be" must be read with those which immediately preceded them. The thought was admittedly provoked by the news of a recent landslide in Monmouthshire which threatened a number of houses; the latest reports, I understand, show that the danger, if not over, is considerably less than it was. If a tenancy had expired when it was imminent, it might well have been argued that the buildings would shortly be demolished; possibly a distinction between being pulled down and pushed down would have been important if intention were to be left out of consideration. The same might apply in the event of the collapse of such a structure as the famous campanile at Pisa, steadily growing more out of plumb and (like other buildings in the same town) not, apparently, affected by any dangerous structure notices.

R. B.

ESTATE DUTY ON WIDOWS' PENSIONS

We understand from the Association of Superannuation and Pension Funds that, in general, the Estate Duty Office favour the following position on aspects of the assessment of estate duty:—

(a) *Where the pension is payable during the lifetime of the widow and is not cancelled in the event of her remarriage.*

Funds not offering an actuarial valuation may value the pension on the basis of the Succession Duty Act tables in order to obtain an indication of the value of the pension for estate duty purposes. If the resultant figure is over £3,000, the Estate Duty Office, on application being made, would be prepared to furnish their opinion of the market value of the pension for estate duty purposes. The Estate Duty Office will base their assessment on tables supplied by their actuarial advisers. These tables, which it should be added are not available to the public, being prepared for the internal use of the Estate Duty Office only, make allowance for adjustments to cover changes in interest rates.

(b) *Where the widow's pension is non-assignable and ceases on remarriage.*

As a result of representations made to them the Board of Inland Revenue now accept the view that a widow's pension which ceases on the widow remarrying has a relatively low market value for estate duty purposes. Normally the value of such pensions will be assessed by the Estate Duty Office at approximately two years' purchase, but, in any case where the widow is substantially over the age of sixty, slightly different considerations might have to be taken into account. An assessment on this basis can, of course, only apply where the payment of the pension is not guaranteed for a minimum number of years irrespective of the widow's remarriage. Where there is payment for a guaranteed period the value must obviously be greater than that mentioned above.

ASSAULTING A BAILIFF

You may say hard things to or about a county court bailiff and the chances are that you will be able to enjoy your ill-temper with impunity. You may write articles in learned periodicals about the inefficiency of the service given by county court bailiffs and your punishment is likely to be confined to the enactment of provisions whereby bailiffs take over some of the duties of sheriff's officers. But keep clear of physical force, for if you try this final expedient the bailiff is almost certain to have the last laugh. These observations (or some of them) must have been in the minds of the respondents as they walked sadly away from the court house after the hearing at the Clerkenwell County Court before Judge Reginald Clarke, Q.C., on 21st October, 1959, in the case of *Riley* v. *Lloyd and Shaw*.

The essential facts of the case may be quite briefly stated. Mrs. *C* carried on business as a retail shopkeeper, but, owing to Mrs. *C's* ill-health and other misfortunes, at all material times her mother, Mrs. Lloyd, managed the shop on her behalf. In June, 1959, Mrs. *C* married the respondent, Mr. L. V. Shaw. On 30th June Mr. Shaw prepared a document whereby Mrs. *C* transferred the business and its assets to Mrs. Lloyd in consideration of Mrs. Lloyd undertaking to pay the purchase price of £1,400 by instalments of £100 forthwith and £50 per month thereafter. Mrs. Lloyd continued to carry on the business until 28th August. On that date a bailiff under a warrant of execution entered the shop and commenced to make an inventory of the articles therein. Mrs. Lloyd summoned Mr. Shaw to her assistance and between them they manhandled the bailiff out of the shop.

On 1st September the bailiff returned to the shop with two colleagues to support him and succeeded in removing the goods. Mrs. Lloyd filed a claim, but her claim was disallowed in interpleader proceedings, the judge finding that the agreement was made with intent to defraud creditors within the meaning of s. 172 of the Law of Property Act, 1925.

A summons was issued under ss. 31 and 124 of the County Courts Act, 1934, complaining of the assault upon an officer of the court and complaining of rescue of goods seized in execution. Before this summons could be heard, the County Courts Act, 1959, came into force. It was, however, possible to proceed without any amendment since ss. 30 and 127 of the County Courts Act, 1959, are precisely the same as ss. 31 and 124 of the County Courts Act, 1934, as amended by s. 29 of the Administration of Justice Act, 1956.

As well as the usual conflict of evidence as to precisely what happened, several points arose which may be of interest to practitioners :—

(1) Solicitors were instructed by the registrar to represent the bailiff at the trial. The advocate found himself substantially in the position of prosecuting solicitor. It would clearly have been embarrassing for the registrar to have personally conducted the case before his own judge.

(2) The sections provide that proceedings may be taken either before a court of summary jurisdiction or before a county court judge. It was, however, conceded that even before the county court judge the proceedings were substantially criminal proceedings and the respondents were entitled to any resulting procedural advantages. It also, of course, followed that the complaint had to be made out beyond all reasonable doubt.

(3) The judge held on the authority of *Watson* v. *Murray & Co.* [1955] 2 Q.B. 1, that the bailiff had levied on the goods as soon as he entered the shop with his warrant.

(4) In his judgment the judge, after finding the offences proved, said that he would regard it as his duty to commit one or both of the respondents to prison were it not for the fact that he was willing to assume that they genuinely believed in the efficacy of the agreement. He imposed a fine of £20 on Mr. Shaw and £10 on Mrs. Lloyd. It appears, therefore, that an intention to defraud creditors does not prevent the fraudulent parties from believing that they have achieved their purpose.

(5) The judge held that these were "proceedings in a county court" within the meaning of Ord. 47, r. 1, and ordered the respondents to pay costs to be taxed.

Perhaps the most generally interesting facet of the case was the testimony of the chief clerk, who in giving evidence as to the duties of a bailiff advanced the following propositions :—

(*a*) If a bailiff holding a warrant of execution finds goods which he knows to be those of the judgment debtor, it is his duty to levy.

(*b*) If a bailiff finds goods which he knows to be the property of some person other than the judgment debtor, it is his duty to withdraw from the premises and to make an appropriate return to the court.

(*c*) If a bailiff finds goods and is left in doubt whether they are the property of the judgment debtor or not, or if any suspicion is raised in his mind, it is his duty to levy and if possible to obtain a "walking possession" agreement so as to avoid removing the goods. He should then as a matter of practice inform any party on the premises of his right to file a claim in court. The reason for the bailiff taking this course in cases of doubt is that if the bailiff levies, any doubt or suspicion can be judicially resolved in interpleader proceedings. If, on the other hand, the bailiff neglects to levy, there is no means whereby the judgment creditor may obtain a judicial decision except perhaps by a complaint against the bailiff for neglecting to levy under s. 164 of the County Courts Act, 1959.

M. S. G.

COLONIAL LEGAL APPOINTMENTS

The following appointments have been announced in the Colonial Legal Service : Mr. T. B. Atkinson to be Resident Magistrate, Kenya ; Mr. W. G. Girling, Registrar, Nyasaland, to be Registrar-General, Nyasaland ; Mr. D. M. Goodbody to be Crown Counsel, Northern Nigeria ; Mr. J. F. Marnan, Crown Counsel (Supernumerary), Kenya, to be Federal Justice, the West Indies ; Mr. L. N. Mbanefo, Federal Justice, Federation of Nigeria, to be Chief Justice, Eastern Nigeria ; Mr. R. H. Munro, Deputy Registrar-General, Kenya, to be Deputy Registrar-General, Hong Kong ; Mr. D. T. E. Roberts, Crown Counsel, Nyasaland, to be Attorney-General, Gibraltar ; Mr. I. Rosen, Resident Magistrate, Kenya, to be Senior Resident Magistrate, Kenya ; Mr. L. J. F. Vallet, Magistrate, Mauritius, to be Master and Registrar, Mauritius ; Mr. F. E. Webster to be Assistant Registrar-General, Tanganyika ; Mr. A. W. D. Wilson to be Resident Magistrate, Tanganyika.

HERE AND THERE

MINUS FOUNDATIONS

LIFE must have been a lot easier in Victorian times than it is to-day—I mean the business of tackling the problems of life, not just the mere mechanics of getting this or that done, which can be solved with washing machines or telephones or electric blankets. Like Annie in "Oklahoma" (only generally to better purpose) the mid-Victorian could say "I've knowed what's right and wrong since I was ten." And, what's more, he knew the reason why, that is to say, he absorbed a coherent scheme of behaviour and values, and that helps a lot when you want to make a decision. But already clever men were chipping away at the foundations (or what they took to be the foundations) of the religious assumptions on which those certainties rested, believing apparently that by some miracle of levitation the structure of satisfactory behaviour would go on standing up just the same, that Heaven and Hell might pass away but the Victorian family and the rights of property and the respect for law and order and reverence for learning and the sanctity of Parliamentary institutions would all go on from strength to strength, possibly still clothed in top-hat, whiskers and frock coat. And, strangely enough, the structure of accepted and acceptable behaviour did go on standing up for quite a long time, although, in condemning deviations from the standard, ordinary people became increasingly shy, and clever people became increasingly satirical, about appealing to the idea of right and wrong. You condemned an action because it was vulgar or insane or stupid or uneconomic or revolting or dastardly. Morals—in the broad sense of *mores*, not simply your practice in matters of sex—were gradually eclipsed as a standard of judgment. The idea was that a properly constituted person behaved himself by natural instinct, empirically, *ad hoc*.

POKER GAME

BUT when it is all as haphazard as that, general agreement about what *is* good behaviour anyway gradually dissolves and, when there is no longer a pretty clear distinction between who are the good guys and who are the bad guys, the very hand that holds the scales of justice falters. The more sensitive persons on the Bench and in the jury-box will be saying within themselves: "There but for a little bit of luck go I," and will dilute justice with an undiscriminating leniency. The less sensitive will think: "Well, wouldn't we all do it, if we had the chance or the guts? Don't we all do it when we can?" Hence, for example, the high chances of acquittal enjoyed by drink-happy drivers. In the dock, of course, the same causes produce the same effects. It is not the simple fact of being punished, even punished very severely, that embitters the culprit, "gives him a grudge against society" as the gentler law reformers are never tired of suggesting. What does give them a grievance is being punished for something they don't feel inside themselves is wrong. In the prevailing climate of "I'm all right, Jack," there are obviously enormous masses of individuals who really have no feeling that there is anything wrong in driving so that everybody else must skip out of the way, in bashing people who annoy you, in helping yourself to anything you want, no matter who it belongs to, in letting sex rip, in telling lies or cheating; life, it seems, is a sort of poker game and you just do what suits you at any given moment. "A man with a wife and family has no right to be honest," says a character in "Make Me an Offer," the Portobello Road musical, one of the latest contributions to the "spivvery and crime are so jolly" school of theatre and literature which is having such a good run for our money.

BACK TO THE EIGHTEENTH CENTURY

IN many ways we seem to have moved back to the eighteenth century world reflected in "The Beggar's Opera," with law and order as the public enemy of a society in which highwaymen and smugglers and receivers and whores had an accepted place in public estimation. Then Wesley converted the masses and Dr. Arnold brought something like an acceptance of discipline and self-control to their masters. But eventually the tide began to turn. It was novel and startling when in "Pygmalion" Professor Higgins asked Alfred Doolittle, "Have you no morals, man?" and he replied, unabashed, "Can't afford them, Guv'nor." Now he says it every night in "My Fair Lady" and it is greeted as a current truism. It is also a truism ("Make Me an Offer" again) that "I'm for me and you're for you and business is business." There's nothing, of course, actually criminal in that, but it's an easy ride from that Portobello Road, along "The Crooked Mile," to the Old Bailey, and until people find something else to think about besides the "lolly" and what the "lolly" can buy, no one need be surprised if the Old Bailey gets busier and busier.

RICHARD ROE.

"THE SOLICITORS' JOURNAL," 21st JANUARY, 1860

ON the 21st January, 1860, THE SOLICITORS' JOURNAL noted, with regard to the cost of crime, that it appeared from the Civil Service estimates: "(1) That for the supervision of the criminal class, and for the prevention and retributive measures consequent on its existence—apart from much expenditure which cannot be calculated—the nation pays annually the sum of upwards of two millions and a half sterling of revenue. (2) That in addition to two and a half millions of the public money, another large sum is lost every year to the public from the depredations of a professional body of offenders well known to the police; that, since this portion of society numbers at the least 135,000 persons, minutely classified by the police, and since it is well known that the sum on which they subsist not at all equals the loss occasioned to those who suffer by them, it can safely be estimated that a further amount changes owners privately of not less than thirteen millions and a half annually. (3) That most of the items which constitute the sum total of the public cost of crime, when compared with the estimates of former years, present either an almost stationary appearance or are steadily and largely on the increase; that upon the return from 1849, the expenses for 1858 are generally far in advance; and that especially in the Civil Service estimates for the convict establishments in the United Kingdom and Ireland—it is almost impossible to eliminate the estimates for Scotland and Ireland—and in the colonies, there is an augmentation during ten years to the extent of upwards of £200,000."

NOTES OF CASES

The Notes of Cases in this issue are published by arrangement with the Council of Law Reporting, and, in general, full reports will be found in the Weekly Law Reports. Where possible the appropriate page reference is given at the end of the note

House of Lords

COMPENSATION FOR PLANNING RESTRICTIONS: VALIDITY OF STATUTORY EXCLUSION

Belfast Corporation *v.* O.D. Cars, Ltd.

Viscount Simonds, Lord Radcliffe, Lord Cohen and Lord Keith of Avonholm. 14th December, 1959

Appeal from the Court of Appeal in Northern Ireland.

The respondent company owned land in Belfast. Under s. 2 of the Planning (Interim Development) Act (Northern Ireland), 1944, it made an interim development application for permission to erect factories and lock-up shops on the land. The appellant corporation refused the application on the ground that the height and character of the shops would not be in accordance with the requirements of the site and that the site was zoned as residential. A claim by the company for compensation for injurious affection was referred to arbitration. The right to compensation for injurious affection under the Planning and Housing Act (Northern Ireland), 1931, was excluded in certain circumstances by s. 10, subs. (2) of which was as follows: "Property shall not be deemed to be injuriously affected by reason of the coming into operation of any provisions inserted in a planning scheme, which prescribe the space about buildings or limit the number of buildings to be erected, or prescribe the height or character or user of buildings . . . and which the Ministry, having regard to the nature and situation of the land affected by the provisions, considers reasonable for the purpose." By s. 6 (4) of the 1944 Act: "Where (*a*) an interim development application is refused . . . then, the applicant . . . shall, if he makes a claim for the purpose be entitled to obtain from the local authority such compensation in respect of any injurious affection of his property . . . as he would be entitled to obtain under the [1931 Act] if such injurious affection had been suffered in consequence of the coming into operation of a planning scheme . . ." By s. 5 (1) of the Government of Ireland Act, 1920: "In the exercise of their power to make laws under this Act neither the Parliament of Southern Ireland nor the Parliament of Northern Ireland shall make a law so as either directly or indirectly to establish or endow any religion, or prohibit or restrict the free exercise thereof, or give a preference, privilege or advantage, or impose any disability or disadvantage, on account of religious belief . . . or take any property without compensation." The Official Arbitrator by way of case stated asked: (1) whether the relevant statutes provided that the company should not be entitled to the compensation claimed, and (2) whether the statutory provision excluding compensation in certain cases was *ultra vires* the 1920 Act. The Court of Appeal in Northern Ireland, reversing a decision of the Divisional Court, delivered a decision against the corporation, which appealed to the House of Lords.

VISCOUNT SIMONDS said that s. 6 (4) of the 1944 Act incorporated s. 10 (2) of the 1931 Act. Further, the words "take any property without compensation" in s. 5 (1) of the 1920 Act did not refer only to the property of religious bodies. Also, the words "either directly or indirectly" in s. 5 (1) governed those five words. The substantial questions were: What was the meaning of the word "take"? What was the meaning of the word "property"? What was the scope of the phrase? No one of the rights which in the aggregate constituted ownership of property could by itself aptly be called "property." The right to use property in a particular way was not itself property and the restriction or denial of that right by a local authority was not a "taking." From the earliest times the owner of property, and in particular land, had been restricted in his free use of it, not only by the common-law maxim, *sic utere tuo ut alienum non laedas*, but by positive enactments limiting his user or even imposing burdens. The restriction here in question was merely the prohibition of a "noxious use." The question whether the arbitrator was entitled to award this compensation should be answered: No, provided the arbitrator was satisfied by proper evidence that the Ministry considered the provisions reasonable. The final question was whether the evidence of Mr. A. P. Fitzgerald, an official of the Ministry, established, as required by s. 10 (2) of the 1931 Act, that "the Ministry, having regard to the nature and character of the land affected by the provisions, considers reasonable for the purpose" the provisions in the scheme. He said that he was authorised by the Ministry to give evidence on its behalf, that he had no personal knowledge of the facts, that he was not present at the discussions at the Ministry, but that he was authorised to state and did state that, as a result of those discussions, the Ministry considered that the appellants' decision on the respondents' application was reasonable and was based on considerations which, if included in a scheme formulated under the relevant Acts, would be approved by the Ministry. The question was whether the evidence satisfied the statutory requirement. Since s. 6 (4) of the 1944 Act was designed to meet the case where no planning scheme had yet been prepared and submitted for approval, the Ministry satisfied the conditions of s. 10 (2) of the earlier Act if it considered provisions to be reasonable which it would consider reasonable if a scheme had been made embracing that land. The question of form remained, and it was not satisfactory that, if oral evidence was necessary, it should be given by a witness who knew nothing about it and spoke to instructions; Mr. Fitzgerald's evidence should be disregarded. But the statutory fact must be strictly proved. The proper course was that a certificate should be issued under the Minister's seal and duly authenticated. Such a certificate, when tendered, would prove itself under s. 3 (1) of the Ministries of Northern Ireland Act (Northern Ireland), 1921.

The other noble and learned lords agreed that the appeal should be allowed. Appeal allowed.

APPEARANCES: *F. Harrison*, Q.C., and *M. Gibson*, Q.C. (both of the Bar of Northern Ireland) and *James McQuitty* (of the English Bar and the Bar of Northern Ireland) (*Lee & Co.*, for *John Young*, Belfast); *W. Patton*, Q.C., *R. Lowry*, Q.C., and *R. McConnell* (all of the Bar of Northern Ireland) (*Simpson, Palmer & Winde*, for *N. & F. Tugham & Walmsley*, Belfast); *W. B. Maginess*, Q.C., A.-G. for Northern Ireland, *C. Nicholson*, Q.C., and *J. Pringle* (all of the Bar of Northern Ireland) (*Linklaters & Paines*, for *the Chief Crown Solicitor*, Belfast).

[Reported by F. H. COWPER, Esq., Barrister-at-Law] [2 W.L.R. 148

ESTATE DUTY: BEQUEST TO TRUSTEE FOR LIFE OF INCOME "... SO LONG AS HE SHALL ACT AS ... TRUSTEE ... BY WAY OF REMUNERATION": WHETHER EXEMPTED

Public Trustee *v.* Inland Revenue Commissioners

Viscount Simonds, Lord Radcliffe, Lord Cohen and Lord Keith of Avonholm. 14th December, 1959

Appeal from the Court of Appeal ([1958] Ch. 865; 102 SOL. J. 527).

A testator gave to one of the trustees of his will the income from certain shares of his residuary estate "during his life so long as he shall act as executor and trustee of this my will by way of remuneration for so doing . . ." On the death

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(*continued on p. xiii*)

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of the trustee, the Inland Revenue Commissioners claimed estate duty under s. 1 of the Finance Act, 1894, as property passing on the death, on the share of capital corresponding to the share of income to which the trustee had been entitled immediately before his death. The claim was resisted by the Public Trustee on the ground that the interest was enjoyed by the deceased "only . . . as holder of an office," and that it therefore came within the exemption from duty in s. 2 (1) (*b*) of the Act. Danckwerts, J., held that the claim to duty succeeded. The Public Trustee appealed unsuccessfully to the Court of Appeal and now appealed to the House of Lords.

VISCOUNT SIMONDS said that s. 1 of the Finance Act, 1894, provided that there should be levied on the principal value "of all property, real or personal, settled or not settled, which passes on the death . . . a duty called 'estate duty'." The word "passes" was not then a term of art and it was necessary for the Act to define the area of charge. It was natural that the draftsman should do so by the use of the word "deem." By s. 2 (1): "Property passing on the death of the deceased shall be deemed to include the property following . . ." There followed categories of property. The following subsections dealt with property situate in the United Kingdom and property situate out of the United Kingdom and it was provided that property passing on the death of the deceased should not be deemed to include property held by him as a trustee. If one were looking at the Act for the first time, those sections would seem clear, the first imposing the charge in general terms and the second defining, by exclusion and inclusion, the precise area of that charge. One would reject the suggestion that the two sections were mutually exclusive. In s. 2 there was a categorical description of the property, "settled or not settled," on which the duty was imposed. The conclusion of the Court of Appeal was founded on certain expressions of Lord Macnaghten and other lords. His observations on the interrelation of the two sections had created much difficulty and were made without full consideration of their consequences. In *Earl Cowley* v. *Inland Revenue Commissioners* [1899] A.C. 198, 212, Lord Macnaghten's words that "the two sections are mutually exclusive" were uttered *per incuriam*, forgetting s. 2 (1) (*a*), (2) and (3) and s. 22 (2) (*a*). No assistance was derived from *A.-G.* v. *Beech* [1899] A.C. 53. The difficulty created by Lord Macnaghten's words was apparent to Channell, J., in *A.-G.* v. *Dobree* [1900] 1 Q.B. 442, 450-51. *A.-G.* v. *Milne* [1914] A.C. 765, *Nevill* v. *Inland Revenue Commissioners* [1924] A.C. 385, and *Adamson* v. *A.-G.* [1933] A.C. 257, illustrated the confusion which had grown up around those words. Here the contention of the Crown which had so far prevailed was that the excluding words of s. 2 (1) (*b*) had no application where property passed under s. 1 and that therefore duty was payable in respect of property held by the holder of an office for his life. Such a claim had never so far been advanced. The observations of Lord Macnaghten, unnecessary for the decision of the case in which they were made, had caused endless doubt and confusion, and the House could properly say that ss. 1 and 2 were not mutually exclusive and that the excepting words of s. 2 (1) (*b*) were operative with regard to property which fell within that subsection, even though that property might also fall within the wide words of s. 1. The judgment of the Court of Appeal should be reversed. Further, the trustee's trusteeship was an office, and his beneficial interest in the property was in respect of that office.

LORD RADCLIFFE and LORD COHEN agreed that the appeal should be allowed.

LORD KEITH OF AVONHOLM dissented.

Appeal allowed.

APPEARANCES: *Pennycuick*, Q.C., and *J. A. Wolfe* (*Russell & Arnholz*); *Sir Lynn Ungoed-Thomas*, Q.C., and *E. Blanshard Stamp* (*Solicitor of Inland Revenue*).

[Reported by F. H. COWPER, Esq., Barrister-at-Law] **[2 W.L.R. 203**

Chancery Division

PRACTICE: ACTION FOR WRONGFUL DISMISSAL AGAINST COMPANY IN VOLUNTARY LIQUIDATION: APPLICATION TO STAY ACTION

Cook *v.* "X" Chair Patents Co., Ltd.

Wynn Parry, J. 1st December, 1959

Procedure summons.

The plaintiff brought an action against the defendant company, which was in voluntary liquidation, claiming damages for wrongful dismissal from their employment, the dismissal being due to the liquidation. The company did not dispute the terms of the plaintiff's employment or that he had been wrongfully dismissed, but there was a substantial dispute as to the amount of damages which he should receive. By this summons the liquidator sought to have all further proceedings in the action stayed on the footing that the plaintiff should prove his claim in the winding up.

WYNN PARRY, J., said that the law was contained in one case, *Currie* v. *Consolidated Kent Collieries Corporation, Ltd.* [1906] 1 K.B. 134, where Collins, M.R., enunciated the clearly established principle that in the case of a voluntary liquidation prima facie the employee pursuing his claim for damages for wrongful dismissal had a right to choose his tribunal; he could either prove in the liquidation, or he could bring a separate action, and the court ought not to interfere with the employee's decision in the exercise of his undoubted discretion unless it was satisfied that circumstances existed which justified such interference and the taking away from the employee of his choice of tribunal. The correspondence showed perfectly clearly that there was a really substantial dispute between the parties. The matter having proceeded as far as it had by action, he, his lordship, would not properly be exercising his discretion if he were to stop the action and put the plaintiff to what would be new expense, namely, of putting in a proof which was in all likelihood (he put it no higher) to be rejected by the liquidator, in which case the matter would, in the first place, have to go before the registrar in the company's winding up, and was quite likely from him to be brought to the present court. In those circumstances he must pose to himself the question which was asked by Romer, L.J., in *Currie's* case: "Is it a case in which any good would be done, or expense saved, by staying an action which has been properly brought, and in effect sending the claim to be determined in the Chancery Division?" He must answer it in the words which Romer, L.J., used in answering his own question: "In my opinion, no advantage would be gained by so doing." For those reasons, the application must fail.

APPEARANCES: *D. A. Thomas* (*Bond & Banbury*); *G. B. Parker* (*George & George*).

[Reported by Miss M. G. THOMAS, Barrister-at-Law] **[1 W.L.R. 60**

Court of Criminal Appeal

CRIMINAL LAW: CORRUPTION: PUBLIC BODY

R. *v.* Smith

Lord Parker, C.J., Hilbery and Pearson, JJ.

14th December, 1959

Appeal against conviction.

The Public Bodies Corrupt Practices Act, 1889, by s. 1 (2), provides: "Every person who shall by himself or by or in conjunction with any other person corruptly give, promise, or offer any gift, loan, fee, reward or advantage whatsoever to any person, whether for the benefit of that person or of another person, as an inducement to or reward for or otherwise on account of any member, officer or servant of any public body as in this Act defined, doing or forbearing to do anything

in respect of any matter or transaction whatsoever, actual or proposed, in which such public body as aforesaid is concerned, shall be guilty of a misdemeanour." The appellant was charged with corruption under this section of the Act in that he corruptly offered a gift to the mayor of the borough of Castleford in order that the mayor should use his influence in favour of the appellant with the council of the borough. At his trial on 22nd July, 1959, the appellant admitted that the offer of a gift was made to the mayor, but contended that it was not a genuine offer and was made for the purpose of exposing corruption which he, the appellant, thought existed at the time; that if the mayor had accepted the offer he would then have exposed him, and that he did not in fact want any favour to be shown to him. He was convicted and sentenced to twelve months' imprisonment. He appealed against his conviction on the ground that the judge had misdirected the jury by stating that the motive for making the offer was irrelevant, and that the word "corruptly" in the section meant "with the intention to corrupt the person to whom the offer was made."

LORD PARKER, C.J., said that this was a curious case, and some of the facts needed to be stated. The appellant's wife apparently had a plot of land adjoining their house which, it was thought, would be suitable together with other land, if it could be obtained, as a petrol-filling station. The appellant was minded to persuade the Castleford Borough Council to let him have part of their adjoining land for that purpose. There was no doubt that on 27th January, 1959, when Lockyer, who was an insurance agent, came to collect a premium, the appellant drew up an I.O.U. for £500 and handed it to Lockyer, and there was no doubt that when Lockyer left the house the appellant knew that Lockyer would offer it as a bribe to some councillor. That was what he said. Lockyer, in fact, went to the town hall and obtained an interview with the mayor and offered him what was said to be the lion's share of that £500. The mayor did not agree to any such thing, and eventually the appellant and Lockyer were charged. That was really only half the story because this appellant, on any view, was an extraordinary man. For years and years he had been convinced that there was corruption among the police. Then his mind turned to corruption amongst the magistrates, and at this time his mind was on corruption among members of the Castleford Borough Council. He wrote a number of letters just after the time when that offer was made by Lockyer inviting members of the Press, the police, and goodness knows whom, to come down because he was going to expose some fraud. His case was that, although he intended Lockyer when he left the house to take the I.O.U. to the mayor or some councillor and to offer it, or part of it, as a bribe, he never intended to carry the matter any further. In other words, his intention was to get the mayor or other councillor to accept in principle the idea that he, the appellant, would pay money in exchange for favours, and that then he would possibly hand over marked notes or, at any rate, be in a position to expose the mayor or councillor; and that he never intended the matter to go through so that he would obtain in fact any favour from the council. That was his case. When the trial judge came to sum up, that case in effect was withdrawn from the jury. It was never left to the jury to consider what the appellant might have done in the long run. The judge ruled that whatever the appellant's motive, if he did intend to get the mayor's agreement to accept money for a favour to be shown, an offence had been committed. In the present case, the admitted intention was that the mayor would agree to receive money and, accordingly, the intention undoubtedly was that the mayor should agree to something which itself constituted an offence and, indeed, constituted an offence of corruption within s. 1 (1) of the Act. The sole question, for the purposes of this case, as it seemed to the court, was whether the word "corruptly" in its context meant deliberately offering money, or whatever it might be, with the intention that the offer should operate on the mind of the person to whom it was made so as to make him enter into what could be called a corrupt bargain, or whether it meant that the intention must be that the transaction should go right through and that the offeror should obtain the favour for which he sought. It seemed to this court that the word "corruptly" here used (and it was a word which appeared throughout the Act and other Acts dealing with corruption) was used in the former sense, namely, that it denoted that the person making the offer did so deliberately and with the intention that the person to whom it was addressed should enter into a corrupt bargain. The appeal would be dismissed.

APPEARANCES: *P. Stanley Price*, Q.C., and *D. M. Savill* (*Registrar, Court of Criminal Appeal*); *W. A. B. Goss* (*Director of Public Prosecutions*).

[Reported by A. D. RAWLEY, ESQ., Barrister-at-Law] [2 W.L.R. 164

IN WESTMINSTER AND WHITEHALL

STATUTORY INSTRUMENTS

Cambridge Waterworks (Babraham) Order, 1959. (S.I. 1959 No. 2328.) 7d.

Canterbury and District Water Order, 1959. (S.I. 1959 No. 2341.) 6d.

East of Birmingham (Little Packington–Weeford) Trunk Road Order, 1959. (S.I. 1959 No. 2326.) 5d.

Exeter—Leeds Trunk Road (Barton Turn, Near Burton-upon-Trent, Diversion) Order, 1959. (S.I. 1959 No. 2295.) 5d.

Fishguard – Aberystwyth – Dolgelley – Caernavon – Bangor (Menai Suspension Bridge) Trunk Road (Trawsfynydd By-Pass) Order, 1959. (S.I. 1959 No. 2293). 5d.

Lancashire River Board (Fisheries) Order, 1959. (S.I. 1959 No. 2336.) 5d.

Load Line Rules, 1959. (S.I. 1959 No. 2238.) 3s. 11d.

London–Carlisle–Glasgow–Inverness Trunk Road (London Colney, St. Albans and Harpenden By-Pass) (Variation) Order, 1959. (S.I. 1959 No. 2320.) 5d.

Neath–Abergavenny Trunk Road (Clydach and Other Diversions) (Variation No. 2) Order, 1959. (S.I. 1959 No. 2327.) 5d.

Rochdale Water Order, 1959. (S.I. 1959 No. 2301.) 7d.

Sevenoaks and Tonbridge Water Order, 1959. (S.I. 1959 No. 2282.) 7d.

Stopping up of Highways Orders, 1959:—

County of Bedford (No. 6). (S.I. 1959 No. 2329.) 5d.

City and County Borough of Birmingham (No. 7). (S.I. 1959 No. 2331.) 5d.

City and County Borough of Birmingham (No. 16). (S.I. 1959 No. 2306.) 5d.

City and County Borough of Birmingham (No. 17). (S.I. 1959 No. 2321.) 5d.

County of Chester (No. 24). (S.I. 1959 No. 2315.) 5d.

County of Devon (No. 10). (S.I. 1959 No. 2332.) 5d.

County of Essex (No. 22). (S.I. 1959 No. 2333.) 5d.

County of Glamorgan (No. 4). (S.I. 1959 No. 2285.) 5d.

County of Glamorgan (No. 5). (S.I. 1959 No. 2322.) 5d.

County of Gloucester (No. 22). (S.I. 1959 No. 2314.) 5d.

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SELECTED APPOINTED DAYS

February
1st Factories Act, 1959, ss. 2, 5, 6, 7; s. 34 (2) (part only) and Pt. I of Sched. III (part only).

REVIEWS

The New Supreme Court Costs. By MICHAEL ALBERY, Q.C., and MICHAEL ESSAYAN, of the Middle Temple, Barrister-at-Law. pp. x and 103. 1960. London: The Solicitors' Law Stationery Society, Ltd. 12s. 6d. net.

The Supreme Court Costs Rules, 1959, came into operation on 1st January last and so this modestly priced commentary has been published very promptly. It provides the information which solicitors will need, particularly during the next few months, in a most helpful form.

Following tables of comparison with the former relevant rules and of cases, there is an Introduction containing a guide to the major reforms. The main part of the text consists of the Rules of the Supreme Court (No. 3), 1959 (the Second Schedule to which consists of the Supreme Court Costs Rules, 1959), with explanations of, and comments on, the paragraphs thereof. The authors have taken care to draw attention to changes in wording and point out several problems on which differences of opinion may occur. For instance, they submit (p. 35) that rr. 8 (6) and 7), 25 (2) and 27 (2) "rest upon a misconception" as to the nature of the bill where a party obtains an order for payment of his costs out of a fund. Similarly they direct attention to the apparent difficulty caused to a mortgagee by r. 3 (1) (which states that, in general, a party cannot recover costs, except under an order), and castigate r. 3 (2) as having "no effective meaning."

There are two precedents of bills of costs in a Queen's Bench and in a Chancery action, but the specimen bills prepared by The Law Society for use in undefended divorce actions are not copied as it is understood that slight revision of them is pending.

Most solicitors would find the cost of this book well worth incurring.

Law in a Changing Society. By W. FRIEDMANN, LL.D., Dr.Jur., LL.M., of the Middle Temple, Barrister-at-Law. pp. xxvi and (with Index) 522. 1959. London: Stevens & Sons, Ltd. £2 10s. net.

In 1951, Professor Friedmann published a useful book entitled "Law and Social Change in Contemporary Britain," which was a study of the inter-action of law and the pressures for change in English society. Instead of preparing a new edition of that work, he has now written a basically new book on the same theme, but with reference to American and Continental law as well as English law. His theme is the perpetual need to balance the conflicting interests which claim the protection of the law. He believes that both legislatures and judges should recognise more openly the need to change older rules in order to bring them into accord with contemporary social needs. The author admits that a writer who seeks to analyse contemporary law in this way stands so close to his material that he cannot be as objective as a legal historian dealing with past events in proper perspective.

Professor Friedmann wishes us to view law as a flexible instrument of social order, dependent on the political, moral and religious values of the society it purports to regulate. Throughout his book he makes frequent comparisons between English, American and Continental law; his wide knowledge of comparative law is a corrective to the tendency of the English lawyer to ignore the fact that other legal systems must also find solutions to the legal problems of modern society.

In Part One he examines the rôle which the courts can play in adapting the law to social change. Part Two surveys the main heads of private law, property, contract, torts, criminal law and family law, ranging over a wide area, from collective bargaining and standardised contract terms to the problems of divorce, nullity and birth control. His chapter on tort liability suggests that doctrines of fault and individual responsibility are increasingly being replaced by accident insurance schemes which are not based on the concept of fault. Part Three discusses recent restrictions on freedom of trade, and the vital importance of the corporation, while Part Four reviews the growth of administrative law as a separate topic in common-law systems. The author advocates the borrowing of concepts from across the Channel in order to develop better controls over administrative authorities. Part Five covers the rapid increase in the scope of International Law, and the problems raised by adherence to out-dated notions of State sovereignty.

In his concluding section, he argues the case for preserving individual freedom even under the degree of State regulation essential in the social welfare State. Law must devise safeguards for the protection of the individual, against both arbitrary executive power and the unchecked power of trade unions and other private groups. Any lawyer who wishes to view modern law on a broad canvas ought to read this book. He cannot fail to be stimulated by the writer's penetrating insight into modern legal problems, though he may not always agree with the solutions which are suggested.

The International Law of the Sea. Fourth Revised Edition. By B. C. JOHN COLOMBOS, LL.D. (Lond.), of the Middle Temple, Barrister-at-Law. pp. xvii and (with Index) 811. 1959. London: Longmans, Green & Co., Ltd. £3 net.

Higgins and Colombos on the International Law of the Sea was first published in 1943. This fourth edition is again the work of Dr. Colombos alone and, indeed, the work is now published under his name alone. There have been so many changes in the law of the sea in recent years that Dr. Colombos now wishes to bear the sole responsibility for the book, much of Professor Pearce

Higgins' share having become out of date. The general arrangement and lay-out of the book remain as before.

In its comparatively short lifetime this book has become of great importance. The fact that this edition is to appear in five foreign languages is itself proof of the esteem in which this work has been held abroad. Indeed, as a work of reference on Anglo-American sea-law it is indispensable. There is a great deal of information contained within its covers which it would not be easy to find in any other book. It is, moreover, easily found, for the author's way of setting out the text in short, headed sections or paragraphs makes for easy reference. There is the consequential disadvantage that the book as a whole does not read as smoothly as would an uninterrupted narrative, but this is a minor matter.

There are, however, two criticisms which the reviewer wishes to make, and which are frequently made of the later editions of learned works. They are concerned with the way in which new material is dealt with by the author. One feels that Dr. Colombos does not always integrate the new matter into his text as fully as he might and that he tends merely to add it in a new section without relating it to what has gone before. As an example one may mention his treatment of the Geneva Convention of 1958 on the Continental Shelf. Dr. Colombos has earlier stated (p. 61), as in his third edition (which was published in 1954), that a clear distinction must be drawn between the bed of the sea and its subsoil. He then (p. 67 et seq.) summarises the Convention, which does not treat this distinction as material, without, even by a footnote, pointing out in either place the inconsistency between the two views. This can only be confusing to a reader coming to the subject for the first time. Yet it could easily be avoided.

The other criticism is that Dr. Colombos does not give us the benefit of longer comments on new material, such as the Geneva Conventions. Such comments as he does make, though short, are valuable and it would be an advantage to have the views of such an authority more fully set out.

These criticisms apart, one must welcome this new edition of this essential work as warmly as its predecessors. No one interested in the law of the sea could be without it.

Introduction to the Study of the Law of the Constitution. Tenth Edition. By A. V. DICEY, K.C., D.C.L., of the Inner Temple, Barrister-at-Law, with an introduction by E. C. S. WADE, Q.C., M.A., LL.D., F.B.A. pp. cxcviii and (with Index) 535. 1959. London: Macmillan & Co., Ltd. £1 15s. net.

Dicey's classic is still essential reading for the student of constitutional law, though in recent years his views have been subjected to heavy criticism, particularly by Sir Ivor Jennings. Dicey's views dominated English constitutional law for half a century, and for this reason alone his work will continue to be read with care. To those who have already read Dicey's own text, the interest of the present edition will lie in the introduction of 190 pages written by Professor Wade of Cambridge. Following Dicey's own example with the eighth edition in 1915, the editor has retained the text as it was amended by Dicey up to the seventh edition in 1908. It is in the introduction, therefore, that the reader learns of the changes in the Constitution since Dicey first wrote in 1885.

Much has happened in the fields of constitutional and administrative law since Professor Wade wrote his introduction for the ninth edition in 1939, but his new introduction is notable for its spirited defence of Dicey against some of his critics. Dicey never claimed, says Professor Wade, that the constitutional ideas which he expounded were axiomatic principles which must abide for all time. He was conscious of the danger that by looking at the growth of the constitution we might "consider with insufficient care what it is that an institution has become." The Reports of the Donoughmore Committee on Ministers' Powers (1932) and of the Franks Committee on Administrative Tribunals (1957) show that Dicey's concepts are still widely accepted. Public opinion to-day is still influenced by his exposition of individual liberty under our law, as is shown by the vigorous criticism of any proposed extension of Governmental powers.

The main attack on Dicey has been based on his apparent disregard of administrative law. To rebut this, Professor Wade has reproduced in an appendix to the new edition an article by Dicey in 1915 (31 L.Q.R. 148), where he recognised that "modern legislation has undoubtedly conferred upon the Cabinet or upon the servants of the Crown . . . a considerable amount of judicial or quasi-judicial authority. This is a considerable step towards the introduction among us of something like the *droit administratif* of France." The editor therefore claims that Dicey was not blind to modern developments, but he admits that to-day it is more difficult to accept Dicey's emphasis on individual freedom as the main basis of our constitution. The modern administrator of the social services has wide discretion, and it necessarily follows that he is able to encroach upon individual liberty of action. To-day it is political control over the executive through the House of Commons which is becoming more important than judicial control.

The editor spends sixty-two pages of the introduction examining recent attacks on Dicey's dogma of Parliamentary sovereignty, especially in the light of the constitutional crisis in South Africa in the last decade. He realises the political weight behind these attacks, since "the legal instrument of Parliamentary sovereignty stands in some risk of actually facilitating the creation of an extreme form of government at the present time, since any change, however fundamental, can be accomplished in law by an ordinary enactment of Parliament." In another fifty-five pages he discusses the "Rule of Law" in the light of modern administrative law, and in the last thirty pages there is a stimulating study of conventions of the constitution and their importance in relation to modern Cabinet government and Parliamentary procedure.

The introduction is a most valuable review of our present constitution, written by a leading authority in the subject. It is, perhaps, to be regretted that the editor has omitted from the new edition some of the appendices in the previous edition, particularly his essays on Public Meetings and Liberty of Discussion.

Paterson's Licensing Acts. Sixty-eighth edition. By F. MORTON SMITH, B.A., Solicitor, Clerk to the Justices for the City and County of Newcastle-upon-Tyne. pp. cxi and (with Index) 1791. 1960. London: Butterworth & Co. (Publishers), Ltd; Shaw & Sons, Ltd. £3 10s. net.

The year 1959 was a busy one for Paterson in that certain legislation passed had a considerable impact on its subject-matter. Most of the changes in this edition have been instigated by the Finance Act, 1959, which contained provisions repealing or amending certain sections of various Finance Acts, the Customs and Excise Acts, 1952, and the Licensing Act, 1953. To help the reader, these provisions are summarised in the preface to the book. The preface also mentions the Street Offences Act, 1959, and its effect on the Refreshment Houses Act, 1860; the Small Lotteries and Gaming Act, 1956 (Amendment) Act, 1959, amending the law with respect to the holding of small lotteries on licensed premises; and several High Court decisions. The book is adequately equipped with tables of statutes and cases, and we think that it will well serve not only those members of the profession who are constantly engaged in licensing law, but all those associated with the trade by reason of their work.

Oyez Practice Notes No. 1: Change of Name. Sixth Edition. By J. F. JOSLING, Solicitor. pp. 33. 1959. London: The Solicitors' Law Stationery Society, Ltd. 3s. net.

This booklet deals with the law and practice relating to changes in the names of individuals, including aliens and infants, and the forms which are required for this purpose are set out in an appendix. This edition contains references to several recent decisions and statutes, including the Solicitors Act, 1957, so far as that Act affects the procedure on the change of a solicitor's name on the Roll of Solicitors, and there are also numerous references to text-books and periodical literature. We know of no other work in which this important aspect of the law is dealt with in such a convenient and concise manner.

The Annual Charities Register and Digest. Being a classified register of charities. Sixty-seventh edition. pp. lvi and (with Index) 438. 1960. London: Butterworth & Co. (Publishers), Ltd., and the Family Welfare Association. 17s. 6d. net.

The latest edition of this valuable guide on charities gives up-to-date information about numerous organisations divided into sections according to the nature of their work. The terms of reference for the compilation are widely interpreted so that not only are such expected sections as those on the care of the

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Bexhill-on-Sea and Little Common.—RICHES & GRAY (Est. 1883), Chartered Auctioneers and Estate Agents, 25 Sea Road, Bexhill-on-Sea. Tel. 34/5. And at 25 Cooden Sea Road, Little Common. Tel. Cooden 2939.

Brighton.—RAYMOND BEAUMONT, F.R.I.C.S., F.A.I., Chartered Surveyors, Chartered Auctioneers and Estate Agents, 35 East Street. Tel. Brighton 20163.

Brighton.—MELLOR & MELLOR, Chartered Auctioneers and Estate Agents, 110 St. James's Street. Tel. 682910.

Brighton.—H. D. S. STILES & CO., F.R.I.C.S., F.A.I. (special rating diploma), 6 Pavilion Buildings. Tel. Brighton 23244 (4 lines). 10 King's Bench Walk, Temple E.C.4. Tel. Central 5356. 3 The Steyne, Worthing. Tel. Worthing 9192/3.

Brighton.—FRANK STONE & PARTNERS, F.A.L.P.A., 84 Queen's Road. Tel. Brighton 29252/3.

Brighton and Hove.—WILLIAM WILLETT, LTD., Auctioneers and Estate Agents, 52 Church Road, Hove. Tel. Hove 34055. London Office, Sloane Square, S.W.1. Tel. Sloane 8141.

Brighton, Hove and Surrounding Districts.—MAURICE P. HATCHWELL, F.R.I.C.S., F.A.I., Chartered Surveyor, Chartered Auctioneer and Estate Agent, 4 Bartholomews, Brighton, 1. Tel. Brighton 23107.

Brighton and Hove and Surrounding Districts.—C. HORTON LEDGER, F.A.I., Established 1885, Chartered Auctioneer and Estate Agent, Surveyor and Valuer, "Sussex House," 126/7 Western Road, Hove, Sussex. Tel. 71291.

Chichester and Bognor Regis.—WHITEHEAD & WHITEHEAD, Chartered Auctioneers and Estate Agents, South Street, Chichester. Tel. 3031 (5 lines). Station Road, Bognor Regis. Tel. 2237/8.

Crawley.—JOHN CHURCHMAN & SONS, Chartered Surveyors, Valuers, Land Agents. Tel. Crawley 1899.

Crawley.—WM. WOOD, SON & GARDNER, Surveyors and Valuers. Tel. Crawley 1.

Crowborough.—DONALD BEALE & CO., Auctioneers, Surveyors and Valuers. The Broadway. Tel. Crowborough 3333.

Eastbourne.—FRANK H. BUDD, LTD., Auctioneers, Surveyors, Valuers, 1 Bolton Road. Tel. 1860.

Eastbourne.—A. C. DRAYCOTT, Chartered Auctioneers and Estate Agents, Estate Offices, Friston Hill, East Dean, Nr. Eastbourne. Tel. East Dean 2277.

Eastbourne.—HEFFORD & HOLMES, F.A.I., Chartered Auctioneers and Estate Agents, 51 Gildredge Road. Tel. Eastbourne 7840.

Eastbourne.—OAKDEN & CO., Estate Agents, Auctioneers and Valuers, 24 Cornfield Road. Est. 1897. Tel. 1234/5.

Eastbourne and District.—FARNHAM & CO., Auctioneers, Estate Agents and Valuers, 6 Terminus Road, Eastbourne. Tel. 4433/4/5. Branch at 87 Eastbourne Road, Lower Willingdon, and 4 Grand Parade, Polegate.

East Grinstead.—Messrs. P. J. MAY (P. J. May and A. L. Apthorp, F.R.I.C.S., F.A.I., M.R.San.I.), 2 London Road. Tel. East Grinstead 315/6.

East Grinstead.—TURNER, RUDGE & TURNER, Chartered Surveyors. Tel. East Grinstead 700/1.

Hassocks and Mid-Sussex.—AYLING & STRUDWICK, Chartered Surveyors. Tel. Hassocks 882/3.

Hastings, St. Leonards and East Sussex.—DYER & OVERTON (H. B. Dyer, D.S.O., F.R.I.C.S., F.A.I.; F. R. Hynard, A.R.I.C.S.), Consultant Chartered Surveyors. Estd. 1892. 6-7 Havelock Road, Hastings. Tel. 5661/2.

Hastings, St. Leonards and East Sussex.—WEST (Godfrey, F.R.I.C.S., F.A.I.) & HICKMAN, Surveyors and Valuers, 50 Havelock Road, Hastings. Tel. 6688/9.

Haywards Heath and District.—DAY & SONS, Auctioneers and Surveyors, 115 South Road. Tel. 1580. And at Brighton and Hove.

Haywards Heath and Mid-Sussex.—BRADLEY AND VAUGHAN, Chartered Auctioneers and Estate Agents. Tel. 91.

Horsham.—KING & CHASEMORE, Chartered Surveyors. Auctioneers, Valuers, Land and Estate Agents. Tel. Horsham 3355 (3 lines).

Horsham.—WELLER & CO., Surveyors, Auctioneers, Valuers, Estate Agents. Tel. Horsham 3311. And at Guildford, Cranleigh and Henfield.

REGISTER OF

Auctioneers, Valuers, Surveyors, Land and Estate Agents

SUSSEX (*continued*)

Hove.—DAVID E. DOWLING, F.A.L.P.A., Auctioneer, Surveyor, Valuer & Estate Agent. 75, Church Road, Hove. Tel. Hove 37213 (3 lines).

Hove.—PARSONS SON & BASLEY (W. R. De Silva, F.R.I.C.S., F.A.I.), 173 Church Road, Hove. Tel. 34564.

Hove and District.—WHITLOCK & HEAPS, Incorporated Auctioneers, Estate Agents, Surveyors and Valuers, 65 Sackville Road. Tel. Hove 31822.

Hove, Portslade, Southwick.—DEACON & CO., 11 Station Road, Portslade. Tel. Hove 48440.

Lancing.—A. C. DRAYCOTT, Chartered Auctioneers and Estate Agents, 8-14 South Street, Lancing, Sussex. Tel. Lancing 2828.

Lewes and Mid-Sussex.—CLIFFORD DANN, B.Sc., F.R.I.C.S., F.A.I., Fitzroy House, Lewes. Tel. 750. And at Ditchling and Hurstpierpoint.

Seaford.—W. G. F. SWAYNE, F.A.I., Chartered Auctioneer and Estate Agent, Surveyor and Valuer, 3 Clinton Place. Tel. 2144.

Storrington, Pulborough and Billinghurst.—WHITEHEAD & WHITEHEAD amal. with D. Ross & Son, The Square, Storrington (Tel. 40), Swan Corner, Pulborough (Tel. 232/3), High Street, Billinghurst (Tel. 391).

Sussex and Adjoining Counties.—JARVIS & CO., Haywards Heath. Tel. 700 (3 lines).

West Worthing and Goring-by-Sea.—GLOVER & CARTER, F.A.L.P.A., 110 George V Avenue, West Worthing. Tel. 8686/7. And at 6 Montague Place, Worthing. Tel. 6264/5.

Worthing.—A. C. DRAYCOTT, Chartered Auctioneers and Estate Agents, 8-14 South Street, Lancing, Sussex. Tel. Lancing 2828.

Worthing.—EYDMANN, STREET & BRIDGE (Est. 1864), 14 Chapel Road. Tel. 4060.

Worthing.—HAWKER & CO., Chartered Surveyors, Chapel Road, Worthing. Tel. Worthing 1136 and 1137.

Worthing.—Patching & Co., Est. over a century. Tel. 5000. 5 Chapel Road.

Worthing.—JOHN D. SYMONDS & CO., Chartered Surveyors, Revenue Buildings, Chapel Road. Tel. Worthing 623/4.

WARWICKSHIRE

Birmingham and District.—SHAW, GILBERT & CO., F.A.I., "Newton Chambers," 43 Cannon Street, Birmingham, 2. Midland 4784 (4 lines).

WARWICKSHIRE (*continued*)

Coventry.—GEORGE LOVEITT & SONS (Est. 1843), Auctioneers, Valuers and Estate Agents, 29 Warwick Row. Tel. 3081/2/3/4.

Coventry.—CHAS. B. ODELL & CO. (Est. 1901) Auctioneers, Surveyors, Valuers and Estate Agents, 53 Hertford Street. Tel. 22037 (4 lines).

Leamington Spa and District.—TRUSLOVE & HARRIS, Auctioneers, Valuers, Surveyors. Head Office: 38/40 Warwick Street, Leamington Spa. Tel. 1861 (2 lines).

Rugby and District.—WIGGINS & RUSSELL, Auctioneers, etc., 14 Regent Place, Rugby (Tel. 2548).

Sutton Coldfield.—QUANTRILL SMITH & CO., 4 and 6 High Street. Tel. SUT 4481 (5 lines).

WESTMORLAND

Kendal.—MICHAEL C. L. HODGSON, Auctioneers and Valuers, 10a Highgate. Tel. 1375.

Windermere.—PROCTER & BIRKBECK (Est. 1841), Auctioneers, Lake Road. Tel. 688.

WILTSHIRE

Bath and District and Surrounding Counties.—COWARD, JAMES & CO., incorporating FORTT, HATT & BILLINGS (Est. 1903), Surveyors, Auctioneers and Estate Agents. Special Probate Department. New Bond Street Chambers. 14 New Bond Street, Bath. Tel. Bath 3150, 3584, 4268 and 61360.

Marlborough Area (Wilts, Berks and Hants Borders).—JOHN GERMAN & SON (Est. 1840), Land Agents, Surveyors, Auctioneers and Valuers, Estate Offices, Ramsbury, Nr. Marlborough. Tel. Ramsbury 361/2. And at Ashby-de-la-Zouch, Burton-on-Trent and Derby

WORCESTERSHIRE

Kidderminster.—CATTELL & YOUNG, 31 Worcester Street. Tel. 3075 and 3077. And also at Droitwich Spa and Tenbury Wells.

Worcester.—BENTLEY, HOBBS & MYTTON, F.A.I., Chartered Auctioneers, etc., 49 Foregate Street, Tel. 5194/5.

YORKSHIRE

Bradford.—NORMAN R. GEE & PARTNERS, F.A.I., 72/74 Market Street, Chartered Auctioneers and Estate Agents. Tel. 27202 (2 lines). And at Keighley.

YORKSHIRE (*continued*)

Bradford.—DAVID WATERHOUSE & NEPHEWS, F.A.I., Britannia House, Chartered Auctioneers and Estate Agents. Est. 1844. Tel. 22622 (3 lines).

Hull.—EXLEY & SON, F.A.L.P.A. (Incorporating Officer and Field), Valuers, Estate Agents, 70 George Street. Tel. 33991/2.

Leeds.—SPENCER, SON & GILPIN, Chartered Surveyor, 2 Wormald Row, Leeds, 2. Tel. 3-0171/2.

Scarborough.—EDWARD HARLAND & SONS, 4 Aberdeen Walk, Scarborough. Tel. 834.

Sheffield.—HENRY SPENCER & SONS, Auctioneers, 9 Norfolk Row, Sheffield. Tel. 25206. And at 20 The Square, Retford, Notts. Tel. 531/2. And 91 Bridge Street, Worksop. Tel. 2654.

SOUTH WALES

Cardiff.—DONALD ANSTEE & CO., Chartered Surveyors, Auctioneers and Estate Agents, 91 St. Mary Street. Tel. 30429.

Cardiff.—S. HERN & CRABTREE, Auctioneers and Valuers. Established over a century. 93 St. Mary Street. Tel. 29383.

Cardiff.—J. T. SAUNDERS & SON, Chartered Auctioneers & Estate Agents. Est. 1895. 16 Dumfries Place, Cardiff. Tel. 20234/5, and Windsor Chambers, Penarth. Tel. 22.

Cardiff.—JNO. OLIVER WATKINS & FRANCIS, Chartered Auctioneers, Chartered Surveyors, 11 Dumfries Place. Tel. 33489/90.

Swansea.—E. NOEL HUSBANDS, F.A.I., 139 Walter Road. Tel. 57801.

Swansea.—ASTLEY SAMUEL, LEEDER & SON (Est. 1863), Chartered Surveyors, Estate Agents and Auctioneers, 49 Mansel Street, Swansea. Tel. 55891 (4 lines).

NORTH WALES

Denbighshire and Flintshire.—HARPER WEBB & CO. (incorporating W. H. Nightingale & Son), Chartered Surveyors, 35 White Friars, Chester. Tel. 20685.

Wrexham, North Wales and Border Counties.—A. KENT JONES & CO., F.A.I., Chartered Auctioneers and Estate Agents, Surveyors and Valuers. The Estate Offices, 43 Regent Street, Wrexham. Tel. 3483/4.

Wrexham, North Wales and Ellesmere, Shropshire.—WINGETT & SON, Chester Street, Wrexham. Tel. 2050.

blind, deaf and dumb, physically and mentally handicapped, epileptics and incurables to be found, but also many others covering, for example, pensions available, education, the homeless, emigration and social service statistics.

Notes on Juvenile Court Law. Third Edition. By A. C. L. MORRISON, C.B.E. pp. (with Index) 28. 1959. Chichester: Justice of the Peace and Local Government Review. 4s. net.

These notes are intended for the use of those who have business in or connected with juvenile courts and the author has summarised the relevant statutory provisions, arranging them in such a way as to facilitate quick reference. The statutes and statutory instruments within the scope of this pocket-size work are those dealing with children and young persons appearing before the juvenile courts, together with some provisions relating to adoption. Although the practitioner would be well advised to turn to the full text of any statutory provision to which reference is made in this very useful guide, we are sure that the new edition of this booklet will be of value, particularly to those who are not normally concerned with this branch of the law.

POINTS IN PRACTICE

Questions, which can only be accepted from practising solicitors who are subscribers either directly or through a newsagent, should be addressed to the "Points in Practice" Department, The Solicitors' Journal, Oyez House, Breams Buildings, Fetter Lane, London, E.C.4. They should be brief, typewritten in duplicate, and accompanied by the name and address of the sender on a separate sheet, together with a stamped addressed envelope. Responsibility cannot be accepted for the return of documents submitted, and no undertaking can be given to reply by any particular date or at all.

Criminal Law—RECOVERY OF DEBT OBTAINED BY FALSE PRETENCES

Q. Our client *A* lent £200 to *B*. *B* was subsequently sentenced to a term of imprisonment for offences of false pretences and the loan by *A* was the subject of one of the charges. No order for restitution was made by the court. *B* has completed his sentence and *A* now seeks to institute county court proceedings for the recovery of the money from him. *B's* solicitor has submitted that the offences were contrary to s. 32 of the Larceny Act, 1916, and that there is no restitution in cases of false pretences. Is *A* barred from bringing civil proceedings for recovery of the debt?

A. We do not think that *A* is barred from bringing civil proceedings for the recovery of the debt. Obtaining by false pretences is a misdemeanour (s. 32 of the Larceny Act, 1916) and there is no fetter on the right of action where the alleged tort is also a misdemeanour (see Clerk and Lindsell on Torts, 11th ed., p. 151, para. 236). See also *Scattergood* v. *Sylvester* (1850), 15 Q.B.D. 506, *R.* v. *Walker* (1901), 65 J.P. 729, and *R.* v. *George* (1901), 65 J.P. 729.

Disposal of Uncollected Goods

Q. We have been asked by a firm of removers to advise them on their position with regard to furniture which they have had in store for a customer since 22nd April, 1955. They have received no payment for removal or storage (nearly £40) and no address is known. They enquire whether they would be justified in selling the goods in order to recover as much as possible. Is the Disposal of Uncollected Goods Act, 1952, applicable and, if not, what remedy has our client, if any?

A. Assuming without suggesting that it can be said that the furniture was stored by your clients "for repair or other *treatment*" within s. 1 (1) of the Disposal of Uncollected Goods Act, 1952, we do not think that that Act will assist them as it appears that they cannot satisfy the requirements of s. 1 (3) (*b*) and (*c*), s. 1 (7) and s. 2 of that statute. It would seem, therefore, that your clients are without a remedy (see, e.g., *Sachs* v. *Miklos* [1948] 2 K.B. 23, and *Munro* v. *Willmott* [1949] 1 K.B. 295). *Larner* v. *Fawcett* [1950] 2 All E.R. 727, suggests that R.S.C., Ord. 50, r. 2, is not applicable to these circumstances, even if there was just and sufficient reason why the goods should be sold at once.

Legal Definition of a Ratepayer

Q. A newly formed ratepayers' association are in the process of drawing up a constitution and it is desired to make provision for as wide a membership as possible consistent with the use of the word "ratepayers" in the title of the association. Is there a legal definition of a ratepayer?

A. The definition in the Rating and Valuation Act, 1925, may assist you. By s. 68 (1) (*e*) thereof "ratepayer" means every person who is liable to any rate in respect of property entered in any valuation list.

NOTES AND NEWS

Honours and Appointments

Colonel DAVID E. L. DICKSON, T.D., solicitor, of Stoke-on-Trent, has been appointed a Deputy Lieutenant of Staffordshire.

Mr. DENYS ROBERTS, barrister-at-law and a former Hertfordshire county cricketer, has been appointed Attorney-General of Gibraltar. Mr. Roberts, who was awarded an O.B.E. in the New Year Honours, was until recently a Crown counsel in Nyasaland.

Personal Notes

Mr. NORMAN BAYLEY, solicitor, of Dudley, ended his partnership with Messrs. Turner, Bayley & Co., on 31st December, 1959. He had been associated with the firm for twenty-six years. Mr. Bayley will retain his post as prosecuting solicitor in the Brierley Hill police division, and as agent for the Director of Public Prosecutions in South Staffordshire.

Mr. HUGH BIRD JONES, solicitor, and Town Clerk of Oswestry since 1923, is to retire on 1st April. He will be succeeded by Mr. Roy Stevens Cubitt, solicitor, and legal officer of Corby Development Association.

Colonel A. W. TURNBULL, solicitor, of Shrewsbury, and for twenty-two years clerk to Condover magistrates, has been presented with a desk blotter in recognition of his services.

Obituary

Mr. JAMES HERBERT BRYDON, C.B.E., J.P., solicitor, of Manchester, died on 12th January, aged 78. He was admitted in 1907.

Mr. CHARLES OWEN LLOYD, solicitor, of Newport, Monmouthshire, died on 2nd January, aged 89. He was admitted in 1896. Mr. Lloyd was a past president of the Monmouthshire Law Society.

Mr. HERBERT PRISCOTT, solicitor, of Newton Abbot, died on 27th December, aged 75. He was admitted in 1925.

Sir REGINALD RAMSON WHITTY, K.B.E., solicitor, and Public Trustee from 1944–49, died on 6th January, aged 68. He was admitted in 1913.

Mr. HENRY HARTLEY RUSSELL, solicitor, of Reading, died on the morning of Christmas Day, aged 80. He was admitted in 1902.

Wills and Bequests

Mr. E. CLARKE, solicitor, of Cranbrook, Kent, left £44,561 net.

Mr. R. G. JONES, solicitor, of Conway, North Wales, left £47,874 net.

Dr. G. R. Y. RADCLIFFE, solicitor, of Knebworth, Herts, and former Principal, Law Society's School of Law, left £27,106 net.

CHANCERY DIVISION: ARRANGEMENT OF BUSINESS

The Lord Chancellor has directed that the proceedings described in col. 1 below shall be assigned to the groups mentioned in col. 2 and shall be heard and determined by the judges mentioned in col. 3:—

(1) *Nature of Proceedings*	(2) *To be assigned to*	(3) *To be heard and determined by*
1. Proceedings under the Companies Act, 1948 (Ord. 53B)	Group A	Judges of Group A
2. Proceedings in Bankruptcy	Group B	Judges of Group B
3. Proceedings in the Liverpool District Registry or the Manchester District Registry	Group B	Judges of Group B
4. Proceedings under the War Damage Act, 1943 (Ord. 55C)	Group A	Mr. Justice Buckley
5. Proceedings under the Guardianship of Infants Acts, 1886 and 1925 (Ord. 55A, r. 4) and Appeals under s. 10 of the Adoption Act, 1958 (Ord. 55A, r. 9)	Group A	Mr. Justice Roxburgh
6. Proceedings under r. 15 (2) of the Public Trustee Rules, 1912	Group B	Mr. Justice Russell
7. Proceedings required to be heard by a single judge under Ord. 54D (Law of Property Acts and Land Registration Act, 1925)	Group B	Mr. Justice Russell
8. Proceedings required to be heard by a Divisional Court under the Land Registration Act, 1925 (Ord. 54D, r. 7)	Group B	Judges of Group B
9. Proceedings under s. 23 or s. 24 of the Patents Act, 1949, and references and applications under that Act (Ord. 53A)	Group A	Mr. Justice Lloyd-Jacob
10. References and applications under the Registered Designs Act, 1949 (Ord. 53F)	Group A	Mr. Justice Lloyd-Jacob

GROUP A

Judges	*Masters*
Mr. Justice Roxburgh	Master Ball
Mr. Justice Buckley	Master Dinwiddy
	Master Heward
	Vacancy to be filled

GROUP B

Mr. Justice Russell	Master Hawkins
Mr. Justice Cross	Master Pengelly
	Master Frost
	Master Neave

APPLICANTS FOR SILK

Applicants for silk who wish their names to be considered for the next list of recommendations should send their applications to the Lord Chancellor's Office before Tuesday, 16th February, 1960. Those who have already made applications should renew them before that date.

JUNIOR COUNSEL TO THE TREASURY

Mr. E. BLANSHARD STAMP has been appointed junior counsel (on the Chancery side) to the Treasury, the Board of Trade, the Ministry of Health and the Ministry of Housing and Local Government. Mr. Stamp will retain his appointment as junior counsel to the Board of Inland Revenue (on the Chancery side). Mr. BRYAN CLAUSON has been appointed junior counsel to the Attorney-General in charity matters.

RESTRICTIVE PRACTICES COURT

The Lord Chancellor has appointed Mr. Justice Pearson to be president of the Restrictive Practices Court, and has nominated Mr. Justice Diplock and Mr. Justice Russell to be members of the court in place of Lord Justice Devlin and Lord Justice Upjohn.

JUDICIAL PENSIONS

The following annuities for life for four recently retired senior judges have been announced: Lord Somervell of Harrow, £4,500; Sir Charles Romer, £4,000; Sir Harry Vaisey, £4,000; and Sir Henry Wynn Parry, £5,333 6s. 8d.

KNIGHTHOODS FOR JUDGES

Mr. Justice Charles Ritchie Russell, Mr. Justice Harry Vincent Lloyd-Jones, Mr. Justice Arthur Geoffrey Neale Cross and Mr. Justice Denys Burton Buckley are to be knighted on their appointment as Judges of the High Court.

WEST LONDON LAW SOCIETY

The inaugural meeting of the West London Law Society is being held at the Cumberland Hotel, Marble Arch, on 3rd February, at 6.30 for 7 p.m. The president and secretary of The Law Society will be present. Over 500 solicitors practising in the metropolitan boroughs of St. Marylebone, St. Pancras, Hampstead, Paddington, Kensington, Chelsea, Fulham and Hammersmith have been sent full particulars, including draft rules, by Mr. C. F. Wegg-Prosser, who, with Messrs. C. E. Jobson, Neville Coleman, Geoffrey Freeborough, C. D. Wickenden and M. H. Pinhorn, has formed an *ad hoc* steering committee.

BUILDING SOCIETIES

HOUSE PURCHASE AND HOUSING ACT, 1959

The Kingston Building Society and the North West Building Society have been designated for the purposes of s. 1 of the House Purchase and Housing Act, 1959.

CORRESPONDENCE

[The views expressed by our correspondents are not necessarily those of "The Solicitors' Journal"]

Trustee Investments

Sir,—I agree with your remarks in Current Topics (p. 19), provided the competent financial adviser is a member of the London or a provincial stock exchange who is a proper person to advise, and I agree that neither a bank manager nor an accountant are qualified.

You would only be prepared to accept a bank manager if he took the advice of a stockbroker and I consider that it should be made clear that the stockbroker is the proper person to advise.

If the Government decide that anyone other than a member of the London or a provincial stock exchange is qualified, then solicitors have as much, if not more, qualifications than those mentioned in the report. I do not know the qualifications of the person responsible for the report but I should like to know why solicitors were excluded.

BRYAN W. CROSS.

London, E.C.2.

"THE SOLICITORS' JOURNAL"

Editorial, Publishing and Advertising Offices: Oyez House, Breams Buildings, Fetter Lane, London, E.C.4. Telephone: CHAncery 6855.

Annual Subscription: Inland £4 10s., Overseas £5 (payable yearly, half-yearly or quarterly in advance).

Classified Advertisements must be received by first post Wednesday.

Contributions are cordially invited and should be accompanied by the name and address of the author (not necessarily for publication).

Classified Advertisements

PUBLIC NOTICES—INFORMATION REQUIRED—CHANGE OF NAME
3s. per line as printed

APPOINTMENTS VACANT—APPOINTMENTS WANTED—PRACTICES AND PARTNERSHIPS and all other headings
12s. for 30 words. Additional lines 2s. Box Registration Fee 1s. 6d. extra

Advertisements should be received by first post Wednesday for inclusion in the issue of the same week and should be addressed to
THE ADVERTISEMENT MANAGER, OYEZ HOUSE, BREAMS BUILDINGS, FETTER LANE, E.C.4. CHAncery 6855

PUBLIC NOTICES

CITY OF LEEDS

TOWN CLERK'S OFFICE

Applications are invited for the appointment of SECOND ASSISTANT in the slum clearance section of my office. Conveyancing experience will be an advantage. Salary scale £765 to £880. Commencing salary according to experience.

Applications stating age, education, details of experience, previous appointments held, and the names of two persons to whom reference may be made, must reach me by the 6th day of February, 1960.

ROBERT CRUTE,
Town Clerk.

Civic Hall,
Leeds, 1.

STEPNEY M.B.C.

require LEGAL ASSISTANT (ADMITTED SOLICITOR). Salary £865—£1,195 p.a., commencing according to experience. Good experience in conveyancing and Local Government required. Application forms and other particulars from Town Clerk, 227 Commercial Road, E.1. Closing date 10th February, 1960.

BOROUGH OF FINCHLEY

LAW CLERK

Grade A.P.T. I (£610—£765 p.a. plus London Weighting), subject to National Conditions of Service, Local Government Superannuation Acts and medical examination. General experience in legal office required but Local Government experience not essential.

Applications stating age, experience and present salary, with names of two referees, to reach the undersigned not later than 8th February, 1960.

R. M. FRANKLIN,
Town Clerk.

Municipal Offices,
Finchley, N.3.

APPOINTMENTS OVERSEAS

Applications are invited from Solicitors with at least 2½ years' professional experience after admission for appointment as MAGISTRATES or CROWN COUNSEL in the dependent territories in Africa.

Some appointments are permanent and pensionable and some temporary with a gratuity on termination. Free passages, and assisted family passages, are provided on appointment and on leave, and quarters are available at a low rental. Salaries are on incremental scales (slightly varying according to territory), ranging from £1,239 to £1,950 a year, approximately, and incremental credit is given within certain limits, for experience in excess of three years after qualification. Full details are contained in the offer of appointment sent to candidates selected after interview with the Legal Adviser to the Secretary of State for the Colonies.

Intending candidates should write for application forms and particulars of current vacancies in East, West or Central Africa, to the Director of Recruitment, Colonial Office, London, S.W.1, quoting BCD/422/02/N2 and giving brief particulars including age and dates of qualification and admission. Full names should be stated.

MINISTRY OF LABOUR

LEGAL ASSISTANT (temporary) in London required by the Ministry of Agriculture, Fisheries and Food. Candidates must be over 26 years of age, qualified Barristers or Solicitors and have practical experience of conveyancing. Salary according to age on inclusive scale (men) £905 (age 26) to £1,050 (age 30 or over) to max. of £1,610. After one year's satisfactory service salary would be increased to between £1,080 (age 27) to £1,180 (age 30 or over). Salaries for women slightly lower.

Application forms from Manager (P.E.46), Ministry of Labour, Professional and Executive Register, Atlantic House, Farringdon Street, London, E.C.4. Only those candidates selected for interview will be advised.

URBAN DISTRICT COUNCIL OF FARNBOROUGH

ASSISTANT SOLICITOR

Applications are invited for the above appointment in salary scale A.P.T. Grade IV £1,065—£1,220 per annum). The commencing salary will be fixed according to the age and experience of the successful candidate. The post is superannuable and is subject to a medical report.

Housing accommodation will be made available, if required.

Canvassing will disqualify. Relationship to any member or senior officer of the Council must be disclosed.

Applications, stating age, qualifications, experience and the names of two referees, should reach me not later than 14 days after the appearance of this advertisement.

D. STUART JONES,
Clerk of the Council.

Town Hall,
Farnborough,
Hants.

COUNTY OF ESSEX

Applications invited for post of CONVEYANCING CLERK. Candidates should have had experience of conveyancing work; salary according to qualifications and experience of person appointed, but will not exceed £880 a year. Office hours at the rate of 38 a week; five-day week; sick pay; superannuation; canteen; holiday, 18 working days plus 3 days after 10 years' service. Canvassing forbidden. Applications in own handwriting stating age, education, qualifications, experience and names and addresses of three referees, should be sent as soon as possible to County Clerk, County Hall, Chelmsford.

APPOINTMENTS VACANT

CONVEYANCING Managing Clerk required in steadily expanding suburban practice. Must be able to deal with considerable volume of work. Please write stating experience and salary required.—Howard G. Thomas, 373 Norwood Road, S.E.27.

TRUST Accountant required by Holborn Chartered Accountants. Not over 45 years of age. Experience of Probate and Trust administration essential. Good salary; luncheon vouchers. Pension scheme in operation. —Box 6280, Solicitors' Journal, Oyez House, Breams Buildings, Fetter Lane, E.C.4.

LINCOLN'S INN firm requires young and ambitious Solicitor for litigation and some conveyancing. Please state age, education, experience and salary required. Prospects of partnership and succession.—Box 6136, Solicitors' Journal, Oyez House, Breams Buildings, Fetter Lane, E.C.4.

JUNIOR litigation clerk required West End solicitors. Chiefly outdoor work. £11 per week.—Box 6170, Solicitors' Journal, Oyez House, Breams Buildings, Fetter Lane, E.C.4.

NANTWICH Solicitors seek applications from young solicitor (male or female) and from a conveyancing and probate clerk (male or female). Supervision available. A varied practice providing good opportunities for further experience. Housing prospects reasonable.—Apply Dixon, Bevan, Riggall and Durrad, Welsh Row, Nantwich.

COMPETENT Conveyancing Managing Clerk, admitted or unadmitted, required for Wimbledon firm. Please state age and experience. Minimum salary £1,000 per annum.—Box 6135, Solicitors' Journal, Oyez House, Breams Buildings, Fetter Lane, E.C.4.

REIGATE-SURREY.—Old-established firm require immediately Managing Clerk for Conveyancing and Probate; please write stating age, qualifications, experience and salary required.—Box 6207, Solicitors' Journal, Oyez House, Breams Buildings, Fetter Lane, E.C.4.

REIGATE, SURREY.—Old-established firm require immediately Assistant Solicitor for general work but principally Conveyancing and Probate; please write stating age, qualifications, experience and salary required.—Box 6208, Solicitors' Journal, Oyez House, Breams Buildings, Fetter Lane, E.C.4.

ASSISTANT Solicitor or Unadmitted Clerk capable of working under slight supervision only required by Conveyancing Department of Birmingham Solicitors. Commencing salary £1,250 per annum to £1,500 per annum depending on capability. Annual increases and pension scheme.—Box 6252, Solicitors' Journal, Oyez House, Breams Buildings, Fetter Lane, E.C.4.

SOLICITORS, Brighton, require an Assistant Solicitor for general family practice. A good opportunity for a keen young Solicitor. Write stating age, experience and salary required.—Box 6286, Solicitors' Journal, Oyez House, Breams Buildings, Fetter Lane, E.C.4.

SOLICITOR

with wide experience of conveyancing and town planning, is required in the legal department of **GEORGE WIMPEY & CO., LIMITED,** Building and Civil Engineering Contractors; administrative ability an advantage; commencing salary according to age and experience; pension fund.

Please apply in writing, giving age and full details of education and professional experience to

The Solicitor,
27 Hammersmith Grove, London, W.6

continued on p xviii

★ Classified Advertisements ★

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APPOINTMENTS VACANT—*continued*

WIGAN Solicitors require Assistant Solicitor. Busy general practice. Very good salary and prospects for the right man. Excellent opportunity for progressive advancement. Recent admission no bar.—Box 6253, Solicitors' Journal, Oyez House, Breams Buildings, Fetter Lane, E.C.4.

MID-SUSSEX Solicitors require young Solicitor to assist with conveyancing and general country practice. One willing to undertake some advocacy preferred but not essential; excellent opportunity to gain experience, good salary and congenial working conditions.—Write stating full details and salary required, Box 6254, Solicitors' Journal, Oyez House, Breams Buildings, Fetter Lane, E.C.4.

CONVEYANCING Manager required in Southern practice. Pension scheme with life cover, attractive salary with annual rises; help given with housing and general removal expenses.—Write with details of age and experience to Box 6255, Solicitors' Journal, Oyez House, Breams Buildings, Fetter Lane, E.C.4.

ELTHAM.—Conveyancing Clerk required for large and progressive office on Kent border of London. Co-operative and helpful staff. Good commencing salary according to age and experience. Excellent prospects of advancement for applicant of character and integrity.—Box 6256, Solicitors' Journal, Oyez House, Breams Buildings, Fetter Lane, E.C.4.

CONVEYANCING Clerk required by City solicitors. Salary £600–£700 plus L.V.'s. 5-day week, 9.30 to 5.30.—Box 6265, Solicitors' Journal, Oyez House, Breams Buildings, Fetter Lane, E.C.4.

CHELTENHAM. Assistant Solicitor (public school) wanted for old-established practice. Must be willing to undertake advocacy and used to acting without supervision. Commencing salary £1,000; prospects of partnership.—State age and experience to Box 6222, Solicitors' Journal, Oyez House, Breams Buildings, Fetter Lane, E.C.4.

BRIGHTON Solicitors require Conveyancing and Probate Clerk, capable of working with minimum supervision. Permanent post; salary by arrangement. Write stating age, experience and salary required.—Box 6285, Solicitors' Journal, Oyez House, Breams Buildings, Fetter Lane, E.C.4.

ASSISTANT Solicitor required by well-established West End firm for Company and some Commercial work with view to early partnership. Write fully.—Box 6282, Solicitors' Journal, Oyez House, Breams Buildings, Fetter Lane, E.C.4.

SHORTHAND TYPIST / SECRETARY required in Legal Department of large steel company. Must have experience in typing of legal documents. Good conditions, Staff Restaurant. Apply:
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London, W.1. Or May 8432.

CITY of London solicitors require a young solicitor of above average ability to train for Company and commercial work. Good salary with scope for considerable advancement. Luncheon vouchers and pension scheme.—Write details age and experience to Box 117, Reynells, 44 Chancery Lane, W.C.2.

LEADING City Solicitors have vacancy for a conveyancing solicitor of exceptional ability. Very high qualifications are required and the salary will be commensurate. Luncheon vouchers and pension scheme.—Write details age and experience to Box 116, Reynells, 44 Chancery Lane, W.C.2.

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LIVERPOOL Solicitors require Assistant Solicitor for General Practice. State age and particulars.—Box F341, Lee & Nightingale, Ltd., Liverpool.

ADDITIONAL Solicitor or Unadmitted Clerk required by Manchester firm of solicitors for chiefly conveyancing and probate work. Ability in other branches of the law an advantage. Newly admitted man might be considered, good salary according to ability and experience together with contributions to pension scheme.—Box 6289, Solicitors' Journal, Oyez House, Breams Buildings, Fetter Lane, E.C.4.

CHICHESTER Solicitors with general practice require a young assistant solicitor. Good starting salary and prospects of partnership. Some experience of County Court and Divorce practice during articles, or subsequently, desirable.—Box 6290, Solicitors' Journal, Oyez House, Breams Buildings, Fetter Lane, E.C.4.

BOLTON Solicitors have vacancies for—
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YOUNG Solicitor required in busy West Midlands City to deal with Conveyancing, some experience of litigation necessary. Commencing salary £750 to £850 per annum with prospect of early increase on proof of worth.—Box 6292, Solicitors' Journal, Oyez House, Breams Buildings, Fetter Lane, E.C.4.

PROBATE Trusts Clerk required by West End Solicitors. Knowledge of Company work an advantage. Experience and ability essential as progressive post. No Sats.—Box 5789, Solicitors' Journal, Oyez House, Breams Buildings, Fetter Lane, E.C.4.

BANBURY Solicitors require unadmitted Conveyancer. Commencing salary up to £1,000, according to experience. Permanent and progressive post with congenial working conditions. Saturday rota.—Box 6261, Solicitors' Journal, Oyez House, Breams Buildings, Fetter Lane, E.C.4.

BRIGHTON Solicitor has vacancy for Managing Clerk with good conveyancing experience.—Box 6293, Solicitors' Journal, Oyez House, Breams Buildings, Fetter Lane, E.C.4.

SOLICITOR required by old-established firm in East Anglia for conveyancing, probate, litigation and some advocacy; would suit newly qualified man; write stating experience, age and salary required.—Box 6294, Solicitors' Journal, Oyez House, Breams Buildings, Fetter Lane, E.C.4.

CONVEYANCING Clerk required by West End Solicitors. Excellent prospects for advancement. 5-day week. Salary commensurate with experience.—Box 5788, Solicitors' Journal, Oyez House, Breams Buildings, Fetter Lane, E.C.4.

MALVERN, Worcs., Probate Clerk, capable of dealing with Probate matters and Trust accounts generally; slight supervision exercised, if desired; some knowledge of Conveyancing an advantage; Age preferably under 30; Old-established practice in pleasant residential area; Congenial working conditions; Salary according to experience.—Box 6295, Solicitors' Journal, Oyez House, Breams Buildings, Fetter Lane, E.C.4.

EMSWORTH (Hants/Sussex Coastal Border) Solicitors require Clerk or Managing Clerk to assist in busy general practice mainly probate, tax and conveyancing. Please write with full particulars and salary required.—Box 6296, Solicitors' Journal, Oyez House, Breams Buildings, Fetter Lane, E.C.4.

CITY Solicitors require Debt Collecting Clerk (male or female). Excellent post for person with ability and willingness to learn. A good salary will be paid based upon qualifications.—Full particulars including age and experience to Box 6300, Solicitors' Journal, Oyez House, Breams Buildings, Fetter Lane, E.C.4.

LADY £700 p.a. knowledge Divorce costs or probate. Own typing. Small happy office Lincoln's Inn.—Box 6297, Solicitors' Journal, Oyez House, Breams Buildings, Fetter Lane, E.C.4.

CONVEYANCING Managing Clerk aged about 30 required for Legal Department of Public Property Company. Salary by arrangement but not less than £1,000 p.a. for the right man.—Box 6298, Solicitors' Journal, Oyez House, Breams Buildings, Fetter Lane, E.C.4.

EAST HERTS, 22 miles London.—Recently admitted man required. Old-established country practice, conveyancing, court work. Good salary for right man. Accommodation if needed.—Box 6307, Solicitors' Journal, Oyez House, Breams Buildings, Fetter Lane, E.C.4.

LITIGATION Clerk required by West End firm; accustomed to work with little supervision. Write stating age and experience.—Box 6306, Solicitors' Journal, Oyez House, Breams Buildings, Fetter Lane, E.C.4.

EXPERIENCED conveyancing managing clerk required by large City firm. Good salary. Bonus and Pension Scheme.—Box 6301, Solicitors' Journal, Oyez House, Breams Buildings, Fetter Lane, E.C.4.

WEST MIDLANDS—Conveyancing Assistant admitted or unadmitted, required for small general practice. Opportunities for Advocacy and Litigation if desired. Progressive post. Salary approximately £1,000 per year.—Box 6302, Solicitors' Journal, Oyez House, Breams Buildings, Fetter Lane, E.C.4.

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SOLICITOR (31), Public School, seeks assistantship leading to early partnership, preferably with medium-sized firm in West Country. Experience all branches except High Court, including advocacy. Car owner.—Box 6303, Solicitors' Journal, Oyez House, Breams Buildings, Fetter Lane, E.C.4.

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DIVORCE and general inquiries undertaken throughout London, Surrey, Middlesex by our own staff. Evictions and distress warrants executed. Certificated Bailiffs. Southern Provincial Investigations, 45 Brighton Road, Surbiton, Surrey (Elmbridge 1032/4). Also at 107A Hammersmith Road, London, W.14.

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